

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-16671
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT AUGUST 10, 2009 THOMAS K. KAHN CLERK
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Agency No. A079-059-367

ABDOUL AZIZ SEYDI,

Petitioner,

versus

U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of a Decision of the
Board of Immigration Appeals

(August 10, 2009)

Before MARCUS, PRYOR and ANDERSON, Circuit Judges.

PER CURIAM:

Abdoul Aziz Seydi, a native and citizen of Senegal, petitions for review of a final order of the Board of Immigration Appeals that affirmed the denial of a continuance and ordered him removed from the country. Seydi argues that he was entitled to a continuance of his removal proceedings because he had applied and was eligible for adjustment of status based on an intervening marriage to a citizen of the United States.

The denial of a motion for a continuance is reviewed for an abuse of discretion. Bull v. INS, 790 F.2d 869, 871 (11th Cir. 1986). Factual findings are reviewed under the substantial evidence test. Al Najjar v. Ashcroft, 257 F.3d 1262, 1283 (11th Cir. 2001). Under the substantial evidence test, we must affirm the decision of the Board if it is “supported by reasonable, substantial, and probative evidence on the record considered as a whole.” Id. at 1284.

The Board did not abuse its discretion. Substantial evidence supports the finding that Seydi had represented falsely that he was a citizen of the United States, which rendered him statutorily ineligible for adjustment of status. 8 U.S.C. §§ 1182(a)(6)(C)(ii)(I). Seydi was not entitled to a continuance.

PETITION DENIED.