

FILED

UNITED STATES COURT OF APPEALS

AUG 16 2011

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

TURGUT TARHAN,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-71854

Agency No. A088-737-523

ORDER

A review of the record suggests that this petition for review may be appropriate for summary disposition under Ninth Circuit Rule 3-6(b) because it appears that the agency's denial of a continuance was not an abuse of discretion where petitioner failed to show good cause for a continuance. *See* 8 C.F.R. § 1003.29; *Cui v. Mukasey*, 538 F.3d 1289, 1290 (9th Cir. 2008).

The record also suggests that this court may lack jurisdiction over this petition for review in part because this court lacks jurisdiction to review the agency's discretionary denial of voluntary departure. *See* 8 U.S.C. § 1252(a)(2)(B)(i); *Esquivel-Garcia v. Holder*, 593 F.3d 1025, 1030 (9th Cir. 2010).

AT/MOATT

Within 21 days after the filing date of this order, petitioner shall move for voluntary dismissal of the petition for review or show cause why it should not be denied in part and dismissed in part. If petitioner elects to show cause, respondent may respond within 10 days after service of petitioner's memorandum.

Failure to comply with this order will result in the automatic dismissal of this petition for review by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

The certified administrative record has been filed.

Briefing is stayed pending disposition of this order to show cause.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Allison K. Taylor
Motions Attorney/Deputy Clerk