

May 14, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-20859  
Summary Calendar

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SAEED RASHED,

Petitioner-Appellant,

versus

HIPOLITO M. ACOSTA, Acting District Director Immigration  
and Naturalization INS; JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondents-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-02-CV-749  
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Before JONES, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:\*

Saeed Rashed appeals the district court's summary-judgment dismissal of his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Rashed's petition sought a stay of deportation and judicial review of: his 1993 deportation order; the 1992 revocation of his legalization as a temporary resident; and the Immigration and Naturalization Service (INS) District Director's decision denying Rashed's request for a stay of deportation.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

The district court did not err in determining that it lacked jurisdiction to review the 1993 deportation order because Rashed had failed to exhaust his administrative remedies with respect to the order. See Cardoso v. Reno, 216 F.3d 512, 518 (5th Cir. 1999); Townsend v. United States Dep't of Justice INS, 799 F.2d 179, 182 (5th Cir. 1986). Because there was no jurisdiction to review the deportation order due to failure to exhaust, the termination of Rashed's temporary resident status also was not reviewable by the district court. See 8 U.S.C. § 1255a(f)(4)(A). Pursuant to 8 U.S.C. § 1252(g), the district court also lacked jurisdiction to review the merits of the denial of Rashed's request for a stay of deportation. See Reno v. American-Arab Anti-Discrimination Committee, 525 U.S. 471, 482 (1999); Cardoso, 216 F.3d at 516-17.

The judgment of the district court is AFFIRMED. As the federal courts lack jurisdiction to hear Rashed's appeals, his motion for remand to the district court to present new evidence is DENIED.

AFFIRMED; MOTION DENIED.