

September 3, 2003

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 03-50234
Summary Calendar

JAMAL ALI,

Petitioner-Appellant,

versus

BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT,

Respondent-Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-02-CV-584-DB

Before JOLLY, WIENER and CLEMENT, Circuit Judges.

PER CURIAM:*

Jamal Ali appeals the dismissal of his 28 U.S.C. § 2241 petition. Ali was ordered removed to his native Liberia after being convicted of a conspiracy to possess pseudoephedrine, knowing or having reasonable cause to believe that it would be used to manufacture methamphetamine in violation of 21 U.S.C. §§ 846 and 841(d)(2). As Ali pleaded guilty to violating provisions of the Controlled Substances Act, his crime is a drug

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

trafficking crime rendering him removable. Cf. United States v. Hinojosa-Lopez, 130 F.3d 691, 694 (5th Cir. 1997). Because Ali's habeas petition relies upon an undisputably meritless legal theory, his argument is frivolous. As Ali's petition and appeal are frivolous, this court does not address any possible restriction on habeas corpus jurisdiction stemming from the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Cf. United States v. Alvarez, 210 F.3d 309, 310 (5th Cir. 2000); United States v. Weathersby, 958 F.2d 65, 66 (5th Cir. 1992). Accordingly, Ali's appeal is DISMISSED.