

November 5, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-20269
Summary Calendar

ALEJANDRO SANCHEZ,

Petitioner-Appellant,

versus

JOHN ASHCROFT, U. S. ATTORNEY GENERAL,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:02-CV-4964

Before JOLLY, HIGGINBOTHAM, and SMITH, Circuit Judges.

PER CURIAM:*

Alejandro Sanchez, a native and citizen of Mexico, appeals the district court's denial and dismissal of his 28 U.S.C. § 2241 petition for writ of habeas corpus. By failing to challenge to the district court's dismissal of his claim that the immigration judge erred in denying him relief from removal, Sanchez has waived that issue. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Sanchez does challenge the district court's determination that the Board of Immigration Appeals' ("BIA") summary affirmance procedure does not violate his constitutional right to due process. Sanchez' argument is foreclosed by this court's decision in Soadjede v. Ashcroft, 324 F.3d 830 (5th Cir. 2003). Moreover, one panel of this court may not overrule another. See United States v. Darrington, 351 F.3d 632, 634 (5th Cir. 2003), cert. denied, ___ U.S. ___, 124 S. Ct. 2429 (2004).

Accordingly, the judgment of the district court is AFFIRMED.