

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

January 4, 2012

Lyle W. Cayce
Clerk

No. 11-20246
Summary Calendar

MR. J. JESUS GALVAN SANCHEZ,

Petitioner-Appellant

v.

ERIC H HOLDER, JR.,

Respondent-Appellee

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:11-CV-1038

Before REAVLEY, SMITH, and PRADO, Circuit Judges.

PER CURIAM:*

J. Jesus Galvan Sanchez, a native and citizen of Mexico in the midst of removal proceedings, filed a 28 U.S.C. § 2241 petition in the district court, arguing that he could not be removed from the United States because he was not an aggravated felon under 8 U.S.C. § 1227(a)(2)(A)(iii). He sought termination of the removal proceedings and release from custody. The district court concluded that pursuant to the REAL ID Act, it was without subject matter jurisdiction to consider Sanchez's petition.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Sanchez argues here that the REAL ID Act is unconstitutional. Sanchez did not present this argument in the district court. Because Sanchez's argument regarding the constitutionality of the REAL ID Act is raised for the first time on appeal, this court need not consider it. *See Leverette v. Louisville Ladder Co.*, 183 F.3d 339, 342 (5th Cir. 1999).

AFFIRMED.