

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

No. 97-30777

(Summary Calendar)

HIEU NGOC NGUYEN,

Petitioner-Appellant,

versus

UNITED STATES DEPARTMENT OF JUSTICE;
IMMIGRATION AND NATURALIZATION SERVICE,

Respondents-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
(96-CV-1106)

March 25, 1998

Before WIENER, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Hieu Ngoc Nguyen, Immigration and Naturalization Service ("INS") detainee #23687, appeals the district court's judgment denying his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Nguyen argues that under 8 U.S.C. § 1252(c), which was in effect when he was found to be deportable, he could be

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

incarcerated for only six months without being deported or released on bond. He further argues that the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") should not be applied retroactively to his case. He also argues that if the IIRIRA Transition Period Custody Rules are applied to him, he is entitled to be released on bond because he is not a danger to the community and he is likely to appear at any future immigration proceedings. Under 8 U.S.C. § 1252(g), as amended by IIRIRA, we lack jurisdiction to review Nguyen's appeal. See 8 U.S.C. § 1252(g). We accordingly dismiss Nguyen's appeal for lack of jurisdiction.

APPEAL DISMISSED.