

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-10409
Conference Calendar

YUK RUNG TSANG,

Petitioner-Appellant,

versus

U.S. BUREAU OF PRISONS, ET AL.,

Respondents,

THE COMMUNITY CORRECTION MANAGER FOR
THE BUREAU OF PRISONS,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:98-CV-114

December 15, 1999

Before JOLLY, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Federal prisoner Yuk Rung Tsang appeals the district court's dismissal for failure to state a claim of his 28 U.S.C. § 2241 petition alleging that his constitutional rights were violated when the Bureau of Prisons ("BOP") denied him a one-year sentence reduction, pursuant to 18 U.S.C. § 3621(e), after he completed a 500-hour drug-treatment program. Tsang does not brief any

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

argument in connection with the ex-post-facto claim he raised in the district court, and that claim is waived. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993); Fed. R. App. P. 28(a).

Tsang renews his argument that the denial of the one-year credit violated his due process rights. His due-process claim fails because there is no protected liberty interest in early release under § 3621. See Rublee v. Fleming, 160 F.3d 213, 216 (5th Cir. 1998); Venegas v. Henman, 126 F.3d 760, 765 (5th Cir. 1997)("[t]he loss of the mere opportunity to be considered for discretionary early release is too speculative to constitute a deprivation of a constitutionally protected liberty interest"), cert. denied, 118 S. Ct. 1679 (1998). Accordingly, the district court did not err in dismissing his petition, and its judgment is AFFIRMED. Tsang's motions for an expedited appeal and for discovery are DENIED.

AFFIRMED; MOTIONS DENIED.