

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

United States Court of Appeals  
Fifth Circuit

**FILED**

February 26, 2013

Lyle W. Cayce  
Clerk

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No. 12-51053

Summary Calendar

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JOEL GARCIA-GONZALEZ,

Petitioner-Appellant

v.

UNITED STATES OF AMERICA; BUREAU OF PRISONS; WARDEN, RCDC  
III; GEO GROUP; DEPARTMENT OF HOMELAND SECURITY,

Respondents-Appellees

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 4:12-CV-79

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Before KING, CLEMENT, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Joel Garcia-Gonzalez, federal prisoner # 89326-079, an alien against whom the Bureau of Immigration and Customs Enforcement has issued a detainer subjecting him to immediate removal from the United States upon release from Bureau of Prisons (BOP) custody, moves this court to proceed in forma pauperis (IFP) to appeal the denial of his 28 U.S.C. § 2241 petition challenging the BOP's exclusion of him from rehabilitation programs and halfway houses. His

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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arguments are foreclosed by this court's decision in *Gallegos-Hernandez v. United States*, 688 F.3d 190, 192-93 (5th Cir.), *cert. denied*, 133 S. Ct. 561 (2012).

Accordingly, Garcia-Gonzalez's motion to proceed IFP is DENIED, and his appeal is DISMISSED as frivolous. *See* 5TH CIR. R. 42.2.