

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

United States Court of Appeals  
Fifth Circuit

**FILED**

March 14, 2013

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 10-50574

Summary Calendar  
\_\_\_\_\_

CESAR VALENTIN GARCIA-AGUILERA,

Petitioner - Appellant

v.

UNITED STATES OF AMERICA; BUREAU OF PRISONS; WARDEN,

Respondents - Appellees

\_\_\_\_\_  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 4:10-CV-24  
\_\_\_\_\_

Before BARKSDALE, CLEMENT, and GRAVES, Circuit Judges.

PER CURIAM:\*

Proceeding *pro se* and *in forma pauperis*, Cesar Valentin Garcia-Aguilera, federal prisoner # 89647-008, an alien against whom the Bureau of Immigration and Customs Enforcement (ICE) has issued a detainer subjecting him to immediate removal from the United States upon release from Bureau of Prisons (BOP) custody, appeals the denial of his 28 U.S.C. § 2241 petition challenging the BOP's excluding him from rehabilitation programs and halfway houses. Although he correctly contends the district court erred in ruling it lacked

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 10-50574

subject-matter jurisdiction, *Gallegos-Hernandez v. United States*, 688 F.3d 190, 193-94 (5th Cir. 2012), *cert. denied*, 133 S. Ct. 561 (2012), the exclusion issue is foreclosed by *Gallegos-Hernandez*, 688 F.3d at 194-96 (exclusion of aliens subject to ICE detainer from halfway houses and rehabilitation satisfies rational-basis review).

AFFIRMED.