## IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT United States Cou

United States Court of Appeals Fifth Circuit

**FILED**October 31, 2012

No. 10-50583 Summary Calendar

Lyle W. Cayce Clerk

CESAR CHAVEZ-BARRAZA,

Petitioner-Appellant

v.

UNITED STATES OF AMERICA; BUREAU OF PRISONS; WARDEN OF REEVES COUNTY DETENTION CENTER III; UNITED STATES ATTORNEY GENERAL,

Respondents-Appellees

Appeals from the United States District Court for the Western District of Texas USDC No. 4:10-CV-36

Before HIGGINBOTHAM, OWEN, and SOUTHWICK, Circuit Judges. PER CURIAM:  $^{\ast}$ 

Cesar Chavez-Barraza, federal prisoner # 58304-180, 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, appeals the denial of his 28 U.S.C. § 2241 petition challenging the BOP's exclusion of him from

 $<sup>^{*}</sup>$  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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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rehabilitation programs and halfway houses. The petition is foreclosed by this court's decision in *Gallegos-Hernandez v. United States*, 688 F.3d 190, 192-93 (5th Cir. 2012), petition for cert. filed (Sept. 14, 2012) (No. 12-6450).

AFFIRMED.