

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-40138
Summary Calendar

MIGUEL LOPEZ BIGNOTTE

Petitioner - Appellant

v.

ERNEST CHANDLER, Warden; JOHN ASHCROFT, US ATTORNEY
GENERAL

Respondents - Appellees

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:01-CV-869

July 30, 2002

Before KING, Chief Judge, and HIGGINBOTHAM and BENAVIDES, Circuit
Judges.

PER CURIAM:*

Petitioner Miguel Lopez Bignotte, immigration detainee
02748-000, appeals the district court's dismissal of his
petition for a writ of habeas corpus pursuant to 28 U.S.C.
§ 2241. Bignotte, a Cuban national, arrived in the United States
in 1980 with the Mariel boatlift. Bignotte, together with the
other Mariel Cubans, was determined by the Immigration and

* 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that this opinion should not be published and is not precedent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.

Naturalization Service ("INS") to be excludable and was placed on immigration parole. He has been detained in federal custody since 1987 following a state controlled-substance conviction. He concedes that he has received regular parole review but has been denied release on account of his criminal history and disciplinary record. Citing Zadvydas v. Davis, 533 U.S. 678 (2001), Bignotte contends that his continued detention violates his constitutional rights.

The district court did not err in determining that Bignotte is not entitled to relief. See Gisbert v. U.S. Atty. Gen., 988 F.2d 1437, 1439 (5th Cir. 1993), amended by Gisbert v. U.S. Atty. Gen., 997 F.2d 1122 (5th Cir. 1993). Although Zadvydas held that a deportable alien may contest his continued detention in a 28 U.S.C. § 2241 proceeding, the Court distinguished the status of deportable aliens from that of excludable aliens like Bignotte. See Zadvydas, 533 U.S. at 682, 692-94. Bignotte's petition is governed by Gisbert.

AFFIRMED.