

April 28, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-30879
Summary Calendar

ABDUL JALEEL WAHAB, also known as
Abdool Jaleel Wahab,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeals from the United States District Court
for the Western District of Louisiana
USDC No. 03-CV-1213

Before BARKSDALE, EMILIO M. GARZA and DENNIS, Circuit Judges.

PER CURIAM:*

Abdul Jaleel Wahab, federal prisoner #43052-004, appeals the dismissal of his 28 U.S.C. § 2241 petition in which he challenged his 1998 and 2003 deportation proceedings. We AFFIRM.

The district court did not err in denying Wahab's challenge to his 2003 deportation proceeding as Wahab had failed to exhaust administrative remedies. See also Goonsuwan v. Ashcroft, 252 F.3d 383, 385-86 (5th Cir. 2001). Nor did the district court err

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

in finding that it lacked jurisdiction over Wahab's challenge to his 1998 deportation. The transitional rules of the Illegal Immigrant Reform and Immigration Responsibility Act (IIRIRA) apply to Wahab's 1998 deportation order because the removal proceedings commenced before April 1, 1997, and concluded more than thirty days after September 30, 1996. Goonsuwan, 252 F.3d at 386. Under the pre-IIRIRA law that was incorporated into the transitional rules, district courts were deprived of subject-matter jurisdiction to review orders of deportation after the alien was deported. Lara v. Trominski, 216 F.3d 487, 491-92 (5th Cir. 2000); 8 U.S.C. § 1105a(c)(1994)(repealed 1996).

There was no gross miscarriage of justice in Wahab's 1998 deportation proceeding and his subsequent deportation. Lara, 216 F.3d at 491-92. The district court therefore lacked subject-matter jurisdiction over Wahab's challenge to his 1998 deportation.

AFFIRMED.