

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-1345
Conference Calendar

ANTHONY RAMCHARRAN,

Plaintiff-Appellant,

versus

RONALD C. CHANDLER, Individually and
as Director of U.S. Immigration and
Naturalization, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:92-CV-129-C
- - - - -
(March 22, 1994)

Before KING, DAVIS, and DeMOSS, Circuit Judges

PER CURIAM:*

Anthony Ramcharran filed this mandamus petition to compel the Immigration and Naturalization Service (INS) to comply with section 701 of the Immigration and Nationality Act (INA), 8 U.S.C. §§ 1251, 1252, and 1253, and to return his INS files and records. The district court dismissed his petition on the authority of Giddings v. Chandler, 979 F.2d 1104 (5th Cir. 1992).

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

On appeal, Ramcharran does not address the basis of the district court's dismissal. Ramcharran seeks to convert his mandamus action into a class action for damages, and he alleges five new causes of action not included in his mandamus petition. He alleges that he was deprived of his right to expeditious proceedings under section 701 of the INA, which is the only reference in his brief to the claims originally made in his petition in the district court.

The district court correctly dismissed Ramcharran's mandamus petition under Fed. R. Civ. P. 12(b)(6) on authority of Giddings v. Chandler, in which this Court held that a criminal alien does not fall within the "zone of interest" protected by 8 U.S.C. § 1252(i) of the INA, and therefore, does not have standing to compel the INS to begin deportation proceedings. 979 F.2d at 1110. Ramcharran does not have standing to bring a mandamus action to compel the INS to comply with this statute.

The claims he raises in his brief for damages, class certification, declaratory judgment, injunction, and to have this Court rule on his deportability, were not raised in the district court, and this Court will not address them for the first time on appeal unless failure to do so would result in manifest injustice. United States v. Garcia-Pillado, 898 F.2d 36, 39 (5th Cir. 1990). No manifest injustice would result from failure to consider these claims because they alter the nature of his original mandamus action.

AFFIRMED.