

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-60245  
Conference Calendar

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AWA KALU,

Petitioner,

versus

IMMIGRATION AND NATURALIZATION  
SERVICE,

Respondent.

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Petition for Review of an Order of the  
Board of Immigration Appeals  
Administrative Record No. A29 574 173  
- - - - -

August 28, 1996

Before KING, DUHÉ, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Awa Kalu filed a petition for review of the Board of Immigration Appeals' final order of exclusion issued pursuant to 8 U.S.C. §§ 1182(a)(2)(C) and 1182 (a)(2)(A)(i)(II). The Immigration and Naturalization Service has filed a motion to dismiss Kalu's petition for lack of jurisdiction, arguing that under 8 U.S.C. § 1105a(b) an alien against whom a final order of

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

exclusion has been issued "may obtain judicial review of such order by habeas corpus proceedings and not otherwise." "Any appeal from an exclusion proceeding . . . can only be brought by a habeas corpus petition to the district court." Delgado-Carrera v. INS, 773 F.2d 629, 631 (5th Cir. 1985). Kalu's petition for review is DISMISSED for lack of jurisdiction. Kalu's motion for leave to proceed in forma pauperis is DENIED. Kalu's motions for release pending review, and summary judgment are DENIED as moot.

IFP MOTION DENIED; OTHER MOTIONS DENIED AS MOOT; PETITION DISMISSED.