

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

No. 97-31140
Summary Calendar

GHULAM MOHAMMED NASIM,

Petitioner-Appellant,

versus

DORIS MEISNER; NANCY L. HOOKS; JANET RENO; LYNNE
UNDERDOWN; R. D. MILES, Warden,

Respondents-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
(96-CV-2330)

June 9, 1999

Before EMILIO M. GARZA, DeMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Ghulam Mohammed Nasim appeals the dismissal of his application for a writ of habeas corpus in the district court, invoking 28 U.S.C. § 2241, and challenging the constitutionality of his detention by the Immigration and Naturalization Service (“INS”) pending deportation.

IT IS ORDERED that Nasim’s motion to file an amended and consolidated brief is GRANTED insofar as it requests that the brief, which he attempted to file on May 15, 1997, shall be considered as part of his original brief, which was filed on May 7, 1997. The motion is DENIED as

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

it pertains to the attempted filings on May 20, 1997, and May 25, 1997.

IT IS FURTHER ORDERED that all other outstanding motions are DENIED.

Nasim contends that the deportation proceedings violate his constitutional right to substantive due process because he is a naturalized citizen. Based upon a careful review of the briefs and the record, we hold that the district court's conclusion that Nasim is not a naturalized citizen is not clearly erroneous. Accordingly, Nasim's substantive due process claim has no basis in fact. The other issues raised by Nasim are without merit.

This appeal is frivolous. Accordingly,

IT IS FURTHER ORDERED that this appeal is DISMISSED. *See* 5th Cir. R. 42.2; *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983).