

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-40914  
Conference Calendar

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UHRICO CADENA,

Petitioner-Appellant,

versus

JOHN M. TOMBONE, Warden,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:98-CV-1635  
- - - - -

February 9, 1999

Before BARKSDALE and EMILIO M. GARZA, Circuit Judges.\*

PER CURIAM:\*\*

Uhrico Cadena, federal prisoner #57712-080, appeals from the denial of his petition for habeas corpus relief pursuant to 28 U.S.C. § 2241. Cadena contends that the Bureau of Prison's (BOP's) interpretation of 18 U.S.C. § 3621(e)(2), as reflected in Program Statement 5162.02, is arbitrary and capricious and violates the Due Process Clause; that the retroactive application of § 3621(e)(2), Program Statement 5162.02, and 28 C.F.R.

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\*This matter is being decided by a quorum. 28 U.S.C. § 46(d).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

§ 550.58 violated the *Ex Post Facto* Clause; that the denial of his request for early release for completion of a residential substance abuse program violated the Equal Protection Clause; and that the denial of his request for early release constituted a breach of contract.

We have reviewed the record and Cadena's brief and we have found no nonfrivolous issues for appeal. Accordingly, we dismiss Cadena's appeal for essentially the reasons relied upon by the district court. *Cadena v. Tombone*, No. 1:98-CV-1635 (E.D. Tex. Jun. 12, 1998).

APPEAL DISMISSED. 5TH CIR. R. 42.2.