

April 26, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-30721
Summary Calendar

DUNCAN VICTOR AYEMERE IDOKOGI,

Petitioner-Appellant,

versus

JOHN ASHCROFT, U. S. ATTORNEY GENERAL; KEVIN D. ROONEY; EDWARD
J. MCELROY; BENEDICT FERRO; CARYL G. THOMPSON, Acting District
Director; UNITED STATES DEPARTMENT OF JUSTICE,

Respondents-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
(02-CV-205)

Before JOLLY, WIENER, and PICKERING, Circuit Judges.

PER CURIAM:*

Petitioner-Appellant Duncan Victor Ayemere Idokogi appeals the district court's denial of his petition for habeas corpus relief, under 28 U.S.C. § 2241, from an order of removal pursuant to 8 U.S.C. § 1227(a)(2)(A)(iii). As an initial matter, the district court had jurisdiction over the issues raised in this habeas petition. See INS v. St. Cyr, 533 U.S. 289, 314 (2001).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Idokogi's argument that his prior convictions for theft do not qualify as aggravated felonies under the Immigration and Naturalization Act is meritless. Each prior conviction involved the receipt of stolen property, and he was sentenced to imprisonment for a term of at least one year on each conviction. See Lopez-Elias v. Reno, 209 F.3d 788, 791 (5th Cir. 2000); 8 U.S.C. § 1101(a)(43)(G).

Idokogi's arguments surrounding the process he received at the removal proceeding is likewise without merit, as he fails to make a showing of substantial prejudice. See Anwar v. INS, 116 F.3d 140, 144 (5th Cir. 1997). As Idokogi is not entitled to habeas relief from the removal order, neither is he entitled to have his removal held in abeyance while he collaterally challenges his 1998 conviction.

AFFIRMED.