

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

January 18, 2013

Lyle W. Cayce  
Clerk

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No. 10-51225  
Summary Calendar

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OSCAR ARTURO RANGEL,

Petitioner-Appellant

v.

UNITED STATES OF AMERICA; WARDEN, REEVES COUNTY DETENTION  
CENTER III; BUREAU OF PRISONS; ERIC H. HOLDER, JR., U.S.  
ATTORNEY GENERAL,

Respondents-Appellees

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 4;10-CV-90

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Before KING, CLEMENT and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Oscar Arturo Rangel, federal prisoner # 34986-177, an alien against whom the Bureau of Immigration and Customs Enforcement has issued a detainer subjecting him to removal from the United States upon release from Bureau of Prisons (BOP) custody, appeals the denial of his 28 U.S.C. § 2241 petition

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 10-51225

challenging the BOP's exclusion of him from rehabilitation programs and halfway houses.

As an initial matter, the Government's motion to dismiss the appeal as moot is denied. The motion for an extension of time is denied as unnecessary. We dispense with further briefing and affirm the district court's judgment. The petition is foreclosed by this court's decision in *Gallegos-Hernandez v. United States*, 688 F.3d 190, 192-93 (5th Cir.), *cert. denied*, 133 S. Ct. 561 (2012).

**AFFIRMED; MOTION TO DISMISS DENIED; MOTION FOR AN EXTENSION OF TIME DENIED AS UNNECESSARY.**