

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

United States Court of Appeals  
Fifth Circuit

**FILED**

February 6, 2013

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 10-51229

Summary Calendar  
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HUGO ALBERTO RODRIGUEZ,

Petitioner-Appellant

v.

UNITED STATES OF AMERICA; WARDEN, REEVES COUNTY DETENTION  
CENTER III; BUREAU OF PRISONS; ERIC H. HOLDER, JR., UNITED  
STATES 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-89  
\_\_\_\_\_

Before SMITH, DeMOSS, and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

Hugo Alberto Rodriguez, federal prisoner # 79075-004, an alien against whom the Bureau of Immigration and Customs Enforcement has issued a detainer subjecting him to immediate removal from the United States upon release from Bureau of Prisons (BOP) custody, appeals the denial of his 28 U.S.C. § 2241 petition challenging the BOP's exclusion of him from

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 10-51229

rehabilitation programs and halfway houses. 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.