

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

United States Court of Appeals
Fifth Circuit

FILED

April 12, 2013

Lyle W. Cayce
Clerk

No. 10-50844

Summary Calendar

JOSE LUIS OCHOA,

Petitioner-Appellant

v.

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

Respondents-Appellees

Appeal from the United States District Court
for the Western District of Texas
USDC No. 4:10-CV-72

Before JONES, DENNIS, and HAYNES, Circuit Judges.

PER CURIAM:*

Jose Luis Ochoa, federal prisoner # 64218-179, 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 rehabilitation programs

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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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. 2012), *cert. denied*, 133 S. Ct. 561 (2012).

AFFIRMED.