

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 13-11247
Non-Argument Calendar

District Court No. 1:12-cv-03739-SCJ

JOSE MANUEL SILVA QUINTANILLA,

Petitioner-Appellant,

versus

US IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE),
WARDEN,

Respondents-Appellees.

Appeal from the United States District Court
for the Northern District of Georgia

(December 31, 2013)

Before HULL, MARCUS, and HILL, Circuit Judges.

HILL, Circuit Judge:

Jose Quintanilla, a federal prisoner confined at United States Penitentiary (USP) Atlanta, appeals from the dismissal for lack of jurisdiction of his *pro se*

habeas corpus petition filed under 28 U.S.C. § 2241. In his petition, Quintanilla asked the district court to order respondent Immigration and Customs Enforcement (ICE) to remove an immigration detainer lodged against him.

The district court adopted the report and recommendation of the magistrate judge and dismissed the petition for lack of subject matter jurisdiction. *See Orozco v. INS*, 911 F.2d 539, 541 (11th Cir. 1990) (dismissing Section 2241 petition filed by state prisoner against whom only an immigration detainer was lodged). The filing of an immigration detainer, alone, does not render a federal prisoner in custody of ICE under Section 2241 for purposes of challenging that detainer. *Id.*

Having reviewed the record and considered the arguments of the parties contained in their briefs, we affirm the district court in all respects to this appeal for the reasons stated by the district court.

AFFIRMED.