

**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

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 10-50844

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.