

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

United States Court of Appeals
Fifth Circuit

FILED

December 19, 2012

Lyle W. Cayce
Clerk

No. 12-10325

Summary Calendar

ANTONIUS M. HEIJNEN,

Petitioner-Appellant

v.

KEITH HALL, Warden; CCA EDEN DETENTION CENTER; ERIC HOLDER,
U.S. Attorney General; DEPARTMENT OF HOMELAND SECURITY -
IMMIGRATION AND CUSTOM ENFORCEMENT,

Respondents-Appellees

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 6:10-CV-89

Before SMITH, PRADO, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Antonius M. Heijnen, federal prisoner # 21755-051, is serving a federal criminal sentence in CCA Eden Detention Center in Texas. In addition, Heijnen is an alien against whom the Bureau of Immigration and Customs Enforcement (ICE) has issued a detainer, subjecting him to immediate removal from the United States upon release from Bureau of Prisons (BOP) custody. He appeals the denial of his 28 U.S.C. § 2241 petition challenging the BOP's policy excluding him, because he is a noncitizen with an ICE detainer, from rehabilitation programs that afford a reduction in sentence. *See* 28 C.F.R. § 550.55(b). The

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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