

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-31270
Conference Calendar

FELIX LA HOZ-GOMEZ,

Petitioner-Appellant,

versus

JOHN ASHCROFT, U.S. Attorney General,

Respondent-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 01-CV-1522

February 21, 2002

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Feliz La Hoz-Gomez, federal prisoner #15406-265, appeals the denial of his 28 U.S.C. § 2241 petition. La Hoz-Gomez argues that the petty offense exception of the Immigration and Nationality Act (INA) § 212(a)(2)(A)(ii) (codified at 8 U.S.C. § 1182(a)(2)(A)(ii)) applies to his case. "In the context of a § 2241 petition, this court 'reviews the district court's determinations of law de novo and its findings of fact for clear error.'" Royal v. Tombone, 141 F.3d 596, 599 (5th Cir. 1998)(internal citations omitted).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

La Hoz-Gomez was found inadmissible as an alien who committed a controlled substance offense under INA § 212(a)(2)(A)(i)(II). By the clear language of INA § 212(a)(2)(A)(ii), the petty offense exception is not applicable in La Hoz-Gomez's case. The district court did not err in denying La Hoz-Gomez's petition. Accordingly, the judgment of the district court is AFFIRMED.