

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-30571
Conference Calendar

ENRIQUE BALTODANO,

Petitioner-Appellant,

versus

IMMIGRATION AND NATURALIZATION
SERVICE,

Respondent-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 96 CV 391
- - - - -

December 11, 1996

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Enrique Baltodano, a criminal alien, appeals the denial of his petition for writ of mandamus in which he asserted entitlement, pursuant to 8 U.S.C. § 1252(i), to a determination of his deportability prior to the expiration of his federal sentence. Baltodano does not have standing under either the Mandamus Act or the Administrative Procedure Act to enforce

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

§ 1252(i) against the INS because he is not within § 1252(i)'s zone of interest. Giddings v. Chandler, 979 F.2d 1104 (5th Cir. 1992). The district court did not err in dismissing his petition with prejudice.

AFFIRMED.