

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-31188  
Summary Calendar

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PAUL GARDEN,

Petitioner-Appellant,

versus

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent-Appellee.

- - - - -  
Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 97-CV-399  
- - - - -

April 28, 1998

Before DUHÉ, DeMOSS and DENNIS, Circuit Judges.

PER CURIAM:<sup>1</sup>

Paul Garden appeals the district court's order dismissing for lack of jurisdiction his petition for review of the BIA's decision dismissing his appeal of his deportation order. Garden argues that his petition was a 28 U.S.C. § 2241 federal habeas petition over which the district court had jurisdiction. Because Garden's petition sought review of the BIA's decision and a stay of the deportation order, the district court did not err in dismissing the petition for lack of jurisdiction under 8 U.S.C. § 1105a. Garden's motion for extraordinary relief is DENIED.

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<sup>1</sup> 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

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AFFIRMED; MOTION FOR EXTRAORDINARY RELIEF DENIED.