

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

No. 98-30292
USDC No. 97-CV-1921

Summary Calendar

ORCALINO A. ENEIAS,

Petitioner-Appellant,

versus

A. J. THIBODEAUX; JOHN B. Z. CAPLINGER;
IMMIGRATION NATURALIZATION SERVICE,

Respondents-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana

December 15, 1998

Before EMILIO M. GARZA, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Immigration and Naturalization Service (INS) detainee Orcalino A. Eneas, No. 23717, appeals the dismissal for lack of subject matter jurisdiction of his 28 U.S.C. § 2241 petition challenging the denial of bond. Because we conclude that Eneas is not entitled to relief under either current or prior law, we pretermi

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

consideration whether recent amendments to the immigration laws, contained in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, apply to Eneias's case, and AFFIRM. See 8 U.S.C. § 1252(g); former 8 U.S.C. § 1252(a)(1)(West 1970)(amended 1996); see also *Hernandez-Rodriguez v. Pasquarell*, 118 F.3d 1034, 1045 n.16 (5th Cir. 1997) ("Regardless of how the jurisdictional issue is resolved, the result would be the same: the district court is affirmed. In such circumstances, we have refrained from reaching the jurisdictional question.").

AFFIRMED.