

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-4266

DEON EARL DALEY,
Appellant

v.

U.S. DEPARTMENT OF HOMELAND SECURITY;
BUREAU OF IMMIGRATION & CUSTOMS ENFORCEMENT;
THOMAS V. DURAN

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil Action No. 07-cv-01443)
District Judge: Honorable Malcolm Muir

Submitted Pursuant to Third Circuit LAR 34.1(a)
MARCH 19, 2008

Before: SLOVITER, BARRY AND GREENBERG, CIRCUIT JUDGES.

(Opinion filed March 31, 2008)

OPINION

PER CURIAM

Deon Earl Daley appeals from the District Court's order dismissing his petition filed pursuant to 28 U.S.C. § 2241. The procedural history of this case and the details of

Daley's claims are well known to the parties, set forth in the District Court's thorough order, and need not be discussed at length. Daley, a citizen of Jamaica, filed a § 2241 petition challenging his removal order and his continued detention. The District Court dismissed the petition. Daley filed a timely notice of appeal.

We have jurisdiction under 28 U.S.C. § 1291 and exercise plenary review over the District Court's legal conclusions. Cradle v. U.S. ex rel. Miner, 290 F.3d 536, 538 (3d Cir. 2002). We agree with the District Court that it did not have jurisdiction over Daley's challenge to his removal order. See 8 U.S.C. § 1252(a)(5).¹ As for Daley's challenge to his detention, he was still within the presumptively reasonable six-month post-removal period at the time of the District Court's order. See Zadvydas v. Davis, 533 U.S. 678, 701 (2001).

For the above reasons, as well as those set forth by the District Court, we will affirm the District Court's October 29, 2007 order. Daley's motion to dismiss is denied.

¹ On January 8, 2008, this Court denied Daley's petition for review of his removal order. See Daley v. Attorney Gen., No. 07-3295, 2008 WL 73688 (3d Cir. Jan. 8, 2008). Thus, the District Court's decision to dismiss for lack of jurisdiction, rather than transfer the matter to this Court under 28 U.S.C. § 1631, was entirely appropriate.