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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LEE ANDREW CAIN,

Petitioner - Appellant,

v.

U.S. BUREAU OF PRISONS; et al.,

Respondents - Appellees.

No. 08-15416

D.C. No. CV-07-01571-OWW

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Oliver W. Wanger, District Judge, Presiding

Submitted November 17, 2009**

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Federal prisoner Lee Andrew Cain appeals pro se from the district court's judgment dismissing his 28 U.S.C. § 2241 petition challenging the denial of prior

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

custody credit. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Cain contends that he is entitled to presentence custody credit for time spent in a community corrections center while on pretrial release, because the restrictive conditions at the center amounted to “official detention” within the meaning of 18 U.S.C. § 3585(b). This contention fails under *Reno v. Koray*, 515 U.S. 50, 65 (1995) (holding that a defendant required to reside at a community treatment center while released on bail is not entitled to credit pursuant to § 3585(b)).

We decline to address claims Cain has raised for the first time on appeal. *See Allen v. Ornoski*, 435 F.3d 946, 960 (9th Cir. 2006).

Cain’s motion to expedite this appeal is denied as moot.

AFFIRMED.