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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOHN JOSE WATFORD,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>RICARDO E. CHAVEZ,</p> <p>Respondent - Appellee.</p>
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No. 09-15310

D.C. No. 4:08-cv-00080-RCC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Raner C. Collins, District Judge, Presiding

Submitted June 29, 2010**

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

John Jose Watford appeals pro se from the district court’s judgment denying his 28 U.S.C. § 2241 petition. We have jurisdiction under 28 U.S.C. §§ 1291 and 2253, and we affirm.

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

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

Watford contends the district court erred by concluding that his participation in the Bureau of Prisons' ("BOP") Inmate Financial Responsibility Program ("IFRP") was voluntary. He further contends the BOP is committing constructive fraud by punishing him for not being able to make payments and by not allowing him to cancel his payment plan. These contentions are unpersuasive because under the IFRP, prison staff develop a financial plan for each inmate and monitor his progress in adhering to the plan. 28 C.F.R. § 545.11. Moreover, "[a]n inmate is free to decline to participate in the IFRP, but the failure either to participate or to comply with a financial plan created pursuant to the program carries certain consequences." *United States v. Lemoine*, 546 F.3d 1042, 1047 (9th Cir. 2008). Thus, the district court did not err by rejecting Watford's argument that his participation in the IFRP was involuntary. *See id.* at 1046.

AFFIRMED.