

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MATTHEW RIEDER,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>RICHARD B. IVES and HARLEY G. LAPPIN,</p> <p>Respondents - Appellees.</p>
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No. 09-16470

D.C. No. 2:08-cv-02729-GGH

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Gregory G. Hollows, Magistrate Judge, Presiding

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and THOMAS, Circuit Judges.

Federal prisoner Matthew Rieder appeals pro se from the district court’s order denying his 28 U.S.C. § 2241 habeas petition. We have jurisdiction under 28 U.S.C. § 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).

Rieder contends that the district court erred when it denied his § 2241 habeas petition because the Bureau of Prisons ran his state and federal sentences consecutively to one another despite the state court allegedly ordering that the sentences be served concurrently. He contends that the Bureau of Prisons actions denied him the right to credits pursuant to *Willis v. United States*, 438 F.2d 923 (5th Cir. 1971) (per curiam), and violated his Fifth, Eighth, and Thirteenth Amendment rights. He also contends that he is entitled to a nunc pro tunc designation as a result of the Bureau's actions. Rieder's contentions are belied by the record. The record reflects that the state court ordered the state sentences to be served consecutively to the federal sentence. Accordingly, the district court did not err.

AFFIRMED.