

APR 28 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOHN MICHAEL CRIM,

Petitioner - Appellant,

v.

NEIL H. ADLER, Warden,

Respondent - Appellee.

No. 09-16302

D.C. No. 1:08-cv-01595-LJO

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence J. O'Neill, District Judge, Presiding

Submitted April 20, 2011**

Before: RYMER, THOMAS, and PAEZ, Circuit Judges.

Federal prisoner John Michael Crim appeals pro se from the district court's judgment denying his 28 U.S.C. § 2241 habeas petition. We have jurisdiction

* 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).

under 28 U.S.C. § 2253¹, and we affirm.

Crim contends that the district court erred by denying his habeas petition seeking immediate consideration for transfer into a Residential Reentry Center (RRC). The record reflects that the district court did not err in denying the petition because, at the time of its decision, Crim had already received an individualized consideration for RRC placement in accordance with 18 U.S.C. §§ 3621(b) and 3624(c), and *Rodriguez v. Smith*, 541 F.3d 1180 (9th Cir. 2008).

Crim's remaining contentions, to the extent they are understandable, are unavailing.

AFFIRMED.

¹ We certify for appeal, on our own motion, the issue of whether the district court properly denied Crim's petition.