

AUG 16 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JORGE ARMANDO RODRIGUEZ, a.k.a.
Jose Manuel Farfan, a.k.a. Jose Manuel
Farfar Gamboa, a.k.a. Juan Miguel Flores,
a.k.a. Juan Rodriguez,

Defendant - Appellant.

No. 10-10221

D.C. No. 3:09-cr-00621-WHA

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
William H. Alsup, District Judge, Presiding

Submitted August 11, 2011**

Before: THOMAS, SILVERMAN, and CLIFTON, Circuit Judges.

Jorge Armando Rodriguez appeals pro se from the district court's order denying his motion to correct sentence pursuant to Federal Rule of Criminal

* 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).

Procedure 35(a). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Rodriguez contends that the district court erred when it denied his motion to correct sentence because he was not given credit for time served in state custody.

The district court did not err when it denied the motion because “district courts lack authority at sentencing to give credit for time served.” *See United States v.*

Peters, 470 F.3d 907, 909 (9th Cir. 2006) (per curiam).

AFFIRMED.