

OCT 02 2013

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MICHAEL WEST,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>MARION FEATHER,</p> <p>Respondent - Appellee.</p>
--

No. 12-35745

D.C. No. 3:10-cv-00427-HU

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Anna J. Brown, District Judge, Presiding

Submitted September 24, 2013**

Before: RAWLINSON, N.R. SMITH, and CHRISTEN, Circuit Judges.

Federal prisoner Michael West appeals from the district court’s judgment denying his 28 U.S.C. § 2241 habeas petition. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court’s denial of a 28 U.S.C. § 2241

* 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).

habeas corpus petition, *see Mora-Meraz v. Thomas*, 601 F.3d 933, 939 (9th Cir. 2010), and we affirm.

West contends that the Bureau of Prisons was obligated to credit him for time served in custody prior to September 6, 2006, because he overserved his state sentence. We disagree. The record reflects that West's state sentence terminated on September 6, 2006, and this court's case law supports use of that date as the commencement date of his federal sentence. *See* 18 U.S.C. § 3585(a); *Thomas v. Brewer*, 923 F.2d 1361, 1364-67 (9th Cir. 1991). Nothing in the record of West's sentencing in the case under review requires a different conclusion; thus, the district court properly denied his petition.

AFFIRMED.