

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 15 2015

FOR THE NINTH CIRCUIT

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

MICHAEL ROBERTS, a.k.a. Kedrin
Kizzee,

Petitioner - Appellant,

v.

RANDY L. TEWS, Warden,*

Respondent - Appellee.

No. 14-55354

D.C. No. 2:13-cv-06595-GAF

MEMORANDUM**

Appeal from the United States District Court
for the Central District of California
Gary A. Feess, District Judge, Presiding

Submitted April 7, 2015***

Before: FISHER, TALLMAN, and NGUYEN, Circuit Judges.

Federal prisoner Michael Roberts appeals pro se from the district court's

* Pursuant to Federal Rule of Appellate Procedure 43(C)(2), Randy L. Tews is substituted for his predecessor, R. Phillip Gutierrez as Warden.

** 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). Accordingly, Roberts's request for oral argument is denied.

denial of his 28 U.S.C. § 2241 habeas corpus petition challenging the computation of his custody credits. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Roberts contends that he is entitled to credit towards his federal sentence for the time he served between February 22, 2000, and January 7, 2003. This court reviews the district court's denial of a habeas corpus petition de novo. *See Schleining v. Thomas*, 642 F.3d 1242, 1246 (9th Cir. 2011). The district court correctly found that Roberts was serving time on a state sentence during the relevant time period, thereby precluding credit towards his federal sentence for the same period. *See* 18 U.S.C. § 3585(b); *United States v. Wilson*, 503 U.S. 329, 337 (1992).

AFFIRMED.