

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 27 2015

FOR THE NINTH CIRCUIT

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

DARRYL L. HAWKINS,

No. 14-15201

Petitioner - Appellant,

D.C. No. 4:13-cv-00049-BGM

v.

MEMORANDUM*

LOUIS W. WINN, Jr.,

Respondent - Appellee.

Appeal from the United States District Court
for the District of Arizona
Bruce G. Macdonald, Magistrate Judge, Presiding**

Submitted July 21, 2015***

Before: CANBY, BEA, and MURGUIA, Circuit Judges.

Federal prisoner Darryl L. Hawkins appeals pro se from the district court's judgment denying his 28 U.S.C. § 2241 habeas corpus petition. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the denial of a section

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The parties consented to proceed before a magistrate judge.

*** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

2241 petition, *see Tablada v. Thomas*, 533 F.3d 800, 805 (9th Cir. 2008), and we affirm.

Hawkins was arrested on November 13, 1993. He acknowledges that he has received credit towards his federal sentence for the time between his arrest on November 13, 1993, and October 31, 1995, the day before his state sentence commenced. However, he argues that he is also entitled to credit towards his federal sentence for the period between the commencement of his state sentence on November 1, 1995, and the expiration of his state sentence on June 5, 2005, because he was allegedly in primary federal custody during that time. Contrary to this argument, the record reflects that Hawkins was in primary state custody and received credit against his state sentence for this time period. He is, therefore, not entitled to any additional federal credit. *See* 18 U.S.C. § 3585(b); *United States v. Wilson*, 503 U.S. 329, 337 (1992) (defendant may not receive “double credit for his detention time”).

Hawkins’ motion for judicial notice and motion for an evidentiary hearing are denied.

AFFIRMED.