

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SEP 2 2015

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

NAJEEB RAHMAN,

Petitioner - Appellant,

v.

CONRAD M. GRABER,

Respondent - Appellee.

No. 13-55652

D.C. No. 2:12-cv-07977-DSF

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dale S. Fischer, District Judge, Presiding

Submitted August 25, 2015**

Before: McKEOWN, CLIFTON, and HURWITZ, Circuit Judges.

Former federal prisoner Najeeb Rahman appeals pro se from the district court's judgment denying his 28 U.S.C. § 2241 habeas corpus petition challenging the computation of his custody credits. We dismiss the appeal as moot.

* 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. Rahman's motion for oral argument is denied. *See* Fed. R. App. P. 34(a)(2).

Rahman contends, and the government concedes, that he is entitled to credit towards his federal sentence for the period between the imposition of his state sentence on May 28, 2009, and the imposition of his federal sentence on June 4, 2010. However, as Rahman concedes, the Bureau of Prisons granted him credit for this time period during the pendency of this appeal. Accordingly, this appeal is moot and we dismiss it for lack of jurisdiction. *See Calderon v. Moore*, 518 U.S. 149, 150 (1996) (per curiam) (appeal should be “dismissed as moot when, by virtue of an intervening event, a court of appeals cannot grant ‘any effectual relief whatever’ in favor of the appellant” (quoting *Mills v. Green*, 159 U.S. 651, 653 (1895))).

Rahman argues for the first time in his reply brief that there are additional time credits that he should have received but did not. Those arguments are not properly before this court and we decline to address them. *See Cacoperdo v. Demosthenes*, 37 F.3d 504, 507 (9th Cir. 1994) (“Habeas claims that are not raised before the district court in the petition are not cognizable on appeal.”).

DISMISSED.