

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 14 2017

FOR THE NINTH CIRCUIT

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

JONI KLYANA,

No. 16-15334

Petitioner-Appellant,

D.C. No. 1:15-cv-01115-LJO

v.

MEMORANDUM\*

CRAIG APKER,

Respondent-Appellee.

Appeal from the United States District Court  
for the Eastern District of California  
Lawrence J. O'Neill, Chief Judge, Presiding

Submitted March 8, 2017\*\*

Before: LEAVY, W. FLETCHER, and OWENS, Circuit Judges.

Federal prisoner Joni Klyana appeals pro se from the district court's order denying his 28 U.S.C. § 2241 habeas corpus petition. We review the denial of a section 2241 petition de novo, *see United States v. Lemoine*, 546 F.3d 1042, 1046 (9th Cir. 2008), and we affirm.

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

Klyana contends that the sentencing court improperly delegated its authority to schedule his restitution payments. This claim is belied by the record, which reflects that the sentencing court properly assessed Klyana's ability to pay and ordered that he make payments of not less than \$25 per quarter during his term of imprisonment as part of the Inmate Financial Responsibility Program ("IFRP"). *See* 18 U.S.C. § 3664(f)(2); *Lemoine*, 546 F.3d at 1046 (upholding identical restitution order). We reject Klyana's contention that he is exempted from the regulations of the IFRP because he is housed at a government-owned, contractor-operated facility. *See Lemoine*, 546 F.3d at 1046 n.2 (federal inmate remains in federal custody, and thus subject to the Bureau of Prisons' authority through the IFRP, even where he is housed at an "independently operated" facility).

**AFFIRMED.**