

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 17 2017

FOR THE NINTH CIRCUIT

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

BRIAN CLAROS-BEY,

Petitioner-Appellant,

v.

J. T. SHARTLE,

Respondent-Appellee.

No. 16-16872

D.C. No. 4:15-cv-00501-BGM

MEMORANDUM*

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

Submitted July 11, 2017***

Before: CANBY, KOZINSKI, and HAWKINS, Circuit Judges.

Brian Claros-Bey 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.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 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).

2008), and we affirm.

Claros-Bey was convicted in the Superior Court of the District of Columbia. He was assessed \$500 pursuant to the Victims of Violent Crime Compensation Act of 1996 (“VVCCA”) and designated to serve his custodial sentence with United States Bureau of Prisons (“BOP”). Claros-Bey contends that the BOP lacks authority to collect, through its Inmate Financial Responsibility Program (“IFRP”), the \$500 VVCCA assessment. This claim is belied by the language of the applicable statutes and regulations. Regardless of how the VVCA assessment is categorized under 28 C.F.R. § 545.11(a), the BOP is authorized to collect Claros-Bey’s VVCCA assessment from wages earned during his period of incarceration. *See* D.C. Code § 24-101(a) (any person incarcerated pursuant to the District of Columbia Official Code is in BOP custody and subject to BOP regulations); *id.* at § 4-516(a) (assessments made pursuant to the VVCCA shall be paid from wages subsequently earned, including “in a facility of the Department of Corrections or elsewhere”). Moreover, contrary to Claros-Bey’s contention, his participation in the IFRP is voluntary and “does not implicate [his] constitutional rights.” *See Lemoine*, 546 F.3d at 1049.

AFFIRMED.