

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 29 2019

FOR THE NINTH CIRCUIT

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

WAYNE GINNIS,

Petitioner-Appellant,

v.

J. T. SHARTLE, Warden,

Respondent-Appellee.

No. 18-17255

D.C. No. 4:17-cv-00515-JAS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
James Alan Soto, District Judge, Presiding

Submitted May 21, 2019**

Before: THOMAS, Chief Judge, FRIEDLAND and BENNETT, Circuit Judges.

Federal prisoner Wayne Ginnis appeals pro se from the district court's denial of his 28 U.S.C. § 2241 habeas corpus petition. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Ginnis contends that he is entitled to a recalculation of his sentence to

* 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).

correct an error regarding his target release date and to include credit for time served. We review the denial of a habeas petition de novo, and review factual findings for clear error. *See Zavala v. Ives*, 785 F.3d 367, 370 (9th Cir. 2015). Because the time that Ginnis seeks to credit to his federal sentence was credited to his state sentence, he is not entitled to any additional credit for time served. *See* 18 U.S.C. § 3585(b); *United States v. Wilson*, 503 U.S. 329, 337 (1992). We therefore affirm the district court’s denial of relief as to this claim. *See Manta v. Chertoff*, 518 F.3d 1134, 1146 (9th Cir. 2008) (appellate court may affirm on any ground supported by the record). The district court and the magistrate judge stated that the proper target release date for his sentence is April 3, 2020, rather than August 17, 2020. We agree with the district court that this issue is best addressed in a separate habeas proceeding.

Appellant’s motion to file a supplemental brief is granted. The clerk will file the brief submitted at Docket Entry No. 11.

AFFIRMED.