

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 24 2021

FOR THE NINTH CIRCUIT

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

THOMAS CREIGHTON SHRADER,

No. 20-15153

Petitioner-Appellant,

D.C. No. 1:17-cv-01338-LJO-JDP

v.

MEMORANDUM*

B. W. PLUMLEY, Warden,

Respondent-Appellee.

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

Submitted March 16, 2021**

Before: GRABER, R. NELSON, and HUNSAKER, Circuit Judges.

Federal prisoner Thomas Creighton Shrader 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. Reviewing de novo, *see Tablada v. Thomas*, 533 F.3d 800, 805 (9th Cir. 2008), we affirm.

* 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).

Shrader contends that, because his Guidelines range was 188-235 months, the Bureau of Prisons (“BOP”) should have deducted the 60-month term of supervised release when calculating the release date for his 235-month sentence. Shrader’s argument is unavailing. As the district court concluded, the record reflects that the sentencing court intended to impose a 235-month custodial sentence, to be followed by 60 months of supervised release. Contrary to Shrader’s argument, this sentence was authorized under 18 U.S.C. § 3583(a), which permits the sentencing court to impose a period of supervised release to be served after the incarceration term authorized by the applicable criminal statute. *See United States v. Montenegro-Rojo*, 908 F.2d 425, 431-32 (9th Cir. 1990). Therefore, the district court properly denied Shrader’s petition. Shrader’s other allegations of error by the district court are not supported by the record.

Shrader’s motion to reject the government’s answering brief is denied. Shrader’s motion to take judicial notice of the district court’s order is denied as unnecessary.

AFFIRMED.