

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 27 2023

FOR THE NINTH CIRCUIT

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

EDGAR VASQUEZ,

No. 22-55501

Petitioner-Appellant,

D.C. No. 2:21-cv-07120-CAS-KES

v.

UNITED STATES OF AMERICA; et al.,

MEMORANDUM*

Respondents-Appellees.

Appeal from the United States District Court
for the Central District of California
Christina A. Snyder, District Judge, Presiding

Submitted January 18, 2023**

Before: GRABER, PAEZ, and NGUYEN, Circuit Judges.

Federal prisoner Edgar Vasquez appeals pro se from the district court's judgment denying his 28 U.S.C. § 2241 habeas petition, which challenged the Bureau of Prisons' ("BOP") determination that he is not entitled to foreign labor credit. We have jurisdiction under 28 U.S.C. § 1291. We review the denial of a

* 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).

§ 2241 petition de novo, *see Lane v. Swain*, 910 F.3d 1293, 1295 (9th Cir. 2018), and we affirm.

Vasquez contends that the BOP's refusal to award him foreign labor credit is improperly based on its requirement that the documents provided by Mexican authorities contain specific language not required by treaty or statute. We disagree. Although the documentation Mexico prepared as part of Vasquez's transfer to BOP custody noted that Vasquez had 712 "labour days," Mexico did not award Vasquez any "reduced days" towards the completion of his 20-year sentence. Rather, the listed completion date and calculated time remaining on Vasquez's sentence demonstrate that Mexico expected Vasquez to serve his full 20-year sentence. Based on the information provided by Mexico, the BOP did not err by declining to award Vasquez any foreign labor credit. *See* 18 U.S.C. § 4105(c)(1) (prisoner is entitled to foreign labor credit "which had been given by the transferring country for time served as of the time of the transfer").

We do not consider Vasquez's remaining arguments because they were either not raised below or not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

We treat Vasquez's inclusion of a "Renewed/Reformed Mexican Foreign Labor Credits Documents/Transcripts," which Vasquez acknowledges he did not present to the BOP or the district court, as a motion to supplement the record. So

treated, the motion is denied.

AFFIRMED.