

ALD-144

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-4316

AARON GRAHAM,
Appellant

v.

WARDEN KAREN HOGSTON

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil No. 07-cv-01402)
District Judge: Honorable Edwin M. Kosik

Submitted for Possible Dismissal Pursuant to 28 U.S.C. § 1915(e)(2)(B)
or Summary Action Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
February 28, 2008

Before: SLOVITER, FISHER and HARDIMAN, CIRCUIT JUDGES.

(Filed: March 11, 2008)

OPINION

PER CURIAM

Appellant Aaron Graham appeals pro se from the District Court's order denying his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The District Court

rejected Graham's contention that he had not been credited for time he spent in custody prior to his federal sentencing for bank robbery pursuant to 18 U.S.C. § 3585(b).

We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo a district court's denial of a petition for writ of habeas corpus filed under 28 U.S.C. § 2241.

Because we find that Graham's appeal presents no substantial question, we will summarily affirm the District Court's judgment. See Third Circuit L.A.R. 27.4 and I.O.P. 10.6.

We need not repeat the background of this case or the details of Graham's claim here as they are well-known to the parties and are summarized in the District Court's memorandum. For substantially the reasons stated by the District Court, we conclude that Graham's 28 U.S.C. § 2241 petition was properly denied. In brief, as explained by the District Court, Graham has already received credit towards his federal sentence for his prior custody from August 27, 2003 through November 9, 2003, and from September 12, 2004 through May 1, 2005.¹ The remaining time period in question – November 10, 2003 through September 11, 2004 – was previously credited to the service of a state sentence, and therefore its credit to his federal sentence would constitute an improper double credit. See 18 U.S.C. § 3585(b). See also Rios v. Wiley, 201 F.3d 257, 272 (3d Cir. 2000) (superseded by statute on other grounds).

For these reasons, we will affirm the District Court's order.

¹Graham's federal sentence commenced on May 2, 2005.