

October 15, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-40345
Summary Calendar

RICHARD DOUGLAS CRAVERO,

Petitioner-Appellant,

versus

R. D. MILES,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:03-CV-84-HC-WCR

Before GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Richard Douglas Cravero, federal prisoner # 34117-019, appeals the district court's denial of his 28 U.S.C. § 2241 petition. He asserts that the Bureau of Prisons has improperly calculated his sentence by not giving him federal credit for twelve years that he spent in state custody following his sentencing for his federal drug conviction, in contravention of the intent of the sentencing judge that he receive credit for that time. Cravero has not established that the district court

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

clearly erred in finding that the sentencing judge did not request that the federal sentence run concurrently with the state sentences and that as a result Cravero was not entitled to the credit in question. See United States v. Wilson, 503 U.S. 329, 31-32, 334 (1992); Royal v. Tombone, 141 F.3d 596, 599 (5th Cir. 1998). The judgment of the district court is therefore AFFIRMED.