

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 3, 2007

Charles R. Fulbruge III
Clerk

No. 06-40617
Summary Calendar

BRIAN C REESE

Plaintiff-Appellant

v.

UNITED STATES BUREAU OF PRISONS; THREE RIVERS TEXAS
FACILITY; WARDEN JOE DRIVER

Defendants-Appellees

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:05-CV-452

Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Brian C. Reese, federal prisoner # 69187-080, appeals the district court's denial of his 28 U.S.C. § 2241 application. He argues that the Bureau of Prisons ("BOP") has improperly determined that his federal sentences for conspiracy to manufacture 100 grams or more of methamphetamine and possession of a firearm by a convicted felon run consecutively to his state sentence. The district court did not err by concluding that his federal sentences were to operate

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

consecutively to his state sentence. See 18 U.S.C. § 3584(a); *Leal v. Tombone*, 341 F.3d 427, 427-30 (5th Cir. 2003); *Free v. Miles*, 333 F.3d 550, 553 (5th Cir. 2003); *United States v. Brown*, 920 F.2d 1212, 1217 (5th Cir. 1991).

Reese also argues that he is entitled to credit against his federal sentences for his time served in state custody after the imposition of his federal sentences. Reese is not entitled to credit on his federal sentence because the time at issue was credited toward his state sentence. See 18 U.S.C. § 3585(b); *Causey v. Civiletti*, 621 F.2d 691, 693-94 (5th Cir. 1980). The judgment of the district court is therefore AFFIRMED.