

June 24, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-51194
Conference Calendar

BOBBY JOE RALSTON,

Petitioner-Appellant,

versus

W. SISNEROS,

Respondent-Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-02-CV-361-JN

Before DeMOSS, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Bobby Joe Ralston, federal prisoner # 82483-080, appeals the district court's denial of his 28 U.S.C. § 2241 petition challenging the Bureau of Prison's ("BOP") calculation of his 60-month sentence for being a felon in possession of a firearm. Ralston argues that his federal sentence should run concurrently to a state-imposed sentence and that he should be given federal credit for the time he spent in state custody.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The judgment in Ralston's case was silent on whether to run his federal sentence concurrently or consecutively to his anticipated state sentence. Accordingly, the district court did not err in concluding that the sentences should run consecutively. See 18 U.S.C. § 3584(a); United States v. Brown, 920 F.2d 1212, 1216-17 (5th Cir. 1991). Furthermore, the court did not err in concluding that Ralston was not entitled to federal credit for the time he spent in state custody. See 18 U.S.C. § 3585(b). Accordingly, the judgment is AFFIRMED.