

August 16, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-41482
Conference Calendar

TYRONNE BENARD COOPER,

Petitioner-Appellant,

versus

WARDEN EDWARD PEREZ,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2-04-CV-113

Before BENAVIDES, CLEMENT, and PRADO, Circuit Judges.

PER CURIAM:*

Tyronne Benard Cooper, federal prisoner # 09210-035, appeals the district court's dismissal of his 28 U.S.C. § 2241 petition on summary judgment. Cooper contends that the district court erred by not ordering the Bureau of Prisons (BOP) to award credit for that portion of Cooper's state sentence that was served prior to the imposition of his federal sentence.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 Attorney General, through the BOP, determines what credit, if any, will be awarded to prisoners for time spent in custody prior to the commencement of their sentences. See United States v. Wilson, 503 U.S. 329, 331-32, 334 (1992). The BOP correctly determined under 18 U.S.C. § 3585(b) that it may not award Cooper credit toward his term of imprisonment for any time he spent in official detention prior to the commencement of his sentence that was credited against another sentence.

AFFIRMED.