

June 21, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-10214
Conference Calendar

FRANCISCO B. LOPEZ,

Petitioner-Appellant,

versus

DAN JOSLIN, Warden, Federal Correctional
Institute, Seagoville,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:04-CV-2397

Before STEWART, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:*

Francisco B. Lopez, federal prisoner # 56053-079, appeals the district court's denial of his 28 U.S.C. § 2241 petition, in which he challenged the way the Bureau of Prisons (BOP) is crediting the time he has served on a 72-month federal sentence and a 240-month federal sentence. Lopez argues that the BOP should back date the commencement of his 240-month sentence to coincide with the date he began serving his 72-month sentence. He contends that because the offenses are related, he can serve

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

no more than the 240-month sentence imposed as a result of his second conviction. He argues that by refusing to credit the time he has served on his 72-month sentence toward the service of his 240-month sentence, his punishment for those offenses is being illegally cumulated.

To the extent that Lopez attempts to raise claims cognizable in a 28 U.S.C. § 2255 motion, the district court was without jurisdiction to entertain them. See § 2255. Accordingly, Lopez is not entitled to relief based on those claims.

With regard to his remaining claims, Lopez has not shown that the district court erred by denying his § 2241 petition. See 18 U.S.C. § 3585(a) & (b). Accordingly, the judgment is AFFIRMED.