

October 30, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-10871
Summary Calendar

LEVI WOODERTS, JR.,

Petitioner-Appellant,

versus

WARDEN, FEDERAL CORRECTIONAL INSTITUTION SEAGOVILLE,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:05-CV-188

Before DeMOSS, STEWART, and PRADO, Circuit Judges.

PER CURIAM:*

Levi Wooderts, Jr., federal prisoner # 29639-077, appeals from the district court's denial of his 28 U.S.C. § 2241 petition. Wooderts argues that the Bureau of Prisons (BOP) improperly denied him credit on his federal sentence beginning from the time of his arrest by state law enforcement officials and that, following the dismissal of state charges and lifting of a state parole violator warrant, he was in the sole custody of the federal Government. Wooderts has failed to show that the state custody was interrupted, and he was not entitled to credit

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

on his federal sentence for the time that he was in federal custody pursuant to a writ of habeas corpus ad prosequendum. See United States v. Brown, 753 F.2d 455, 456 (5th Cir. 1985). With the benefit of liberal construction, Wooderts also argues that the BOP failed to consider properly his request for a nunc pro tunc designation that would have effectuated the concurrent running of his federal and state sentences. Given the district court's clarification that Wooderts's sentence was to be served consecutively to any state sentence, the BOP did not abuse its discretion in declining to grant Wooderts's request. See 18 U.S.C. §§ 3584(a)-(b), 3621(b).

The district court's judgment is AFFIRMED.