

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 19-30722

United States Court of Appeals
Fifth Circuit

FILED

December 5, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LOUELLA GIVENS,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:16-CR-110-1

Before HIGGINBOTHAM, SOUTHWICK, and WILLETT, Circuit Judges.

PER CURIAM:*

Louella Givens, federal prisoner # 34318-034, appeals the district court's order denying her request that her time spent on postsentencing house arrest be credited against the 18-month prison term imposed for her conviction of health care fraud. Before the court is Givens's motion for the appointment of counsel. In the interests of judicial economy, we dismiss the appeal as frivolous, as discussed below. *See* 5TH CIR. R. 42.2; *United States v. Garcia-Gutierrez*, 835 F.2d 585, 586 (5th Cir. 1988).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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The district court had the authority to restrict Givens to house arrest during her postsentencing release on bond pending her surrender to the Bureau of Prisons. *See* 18 U.S.C. § 3142(c)(1)(B); 18 U.S.C. § 3143(a); *Reno v. Koray*, 515 U.S. 50, 57 (1995). Because her house arrest occurred during her release on bond before her surrender to the Bureau of Prisons, her time on house arrest was not “official detention” under 18 U.S.C. § 3585(b) and thus was not eligible to be credited against her 18-month prison sentence. *See Koray*, 515 U.S. at 56-65.

Givens’s appeal is frivolous and entirely without merit. Accordingly, we DISPENSE with further briefing and DISMISS the appeal. *See* 5TH CIR. R. 42.2. Givens’s motion for the appointment of counsel is DENIED.