

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40213
(Summary Calendar)

RUBEN GARZA CORONADO,

Petitioner-Appellant,

versus

UNITED STATES MARSHALL,
McAllen, Texas, ET AL.,

Respondents-Appellees.

Appeal from United States District Court
for the Southern District of Texas
(B-94-CV-283)

July 9, 1996

Before JOLLY, JONES and STEWART, Circuit Judges.

PER CURIAM:*

Ruben Garza Coronado appeals the denial of his motion for reconsideration of the dismissal of his petition filed pursuant to 28 U.S.C. §2241. Coronado argues that the Parole Commission has lost jurisdiction over him because, if he is credited with previously earned statutory good time, his

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

sentence has expired. He further argues that he is aware that he lost his street time when he violated his parole, but maintains that Congress never intended to punish prisoners by forfeiting their statutory good-time credits simply because they were released on parole, thus he is challenging 28 C.F.R. §2.35 and 523.2(c).

Because Coronado's notice of appeal was from the order denying his motion for reconsideration, his motion is construed as a Fed. R. Civ. P. 59(e) motion to alter or amend the judgment. *Harcon Barge Co. v. D. & G. Boat Rentals, Inc.*, 784 F.2d 665, 669 (5th Cir.)(en banc), cert. denied, 479 U.S. 930 (1986). A ruling on such a motion is reviewed for abuse of discretion. *Simon v. United States*, 891 F.2d 1154, 1159 (5th Cir. 1990).

Coronado admits that this Court's precedent contradicts his argument. *Grannville v. Hogan*, 591 F.2d 323, 324 (5th Cir. 1979); *Lambert v. Warden, United States Penitentiary*, 591 F.2d 4, 8 (5th Cir. 1979). Accordingly, the district court did not abuse its discretion when it denied Coronado's motion for reconsideration and its judgment is AFFIRMED. Coronado's request for the appointment of counsel is DENIED.