

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-11330
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN RODRIQUEZ,
a/k/a Juan Rodriguez

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 94-CR-24-1
- - - - -

October 22, 1998

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Juan Rodriquez, Texas prisoner # 687029, appeals the district court's denial of his motion for his "Federal Sentence to Run Concurrent with Remainder of State Sentence." Rodriquez contends that his federal sentence should have commenced when he was remanded to the custody of the United States Marshal after sentencing.

Rodriquez was "loaned" to federal authorities pursuant to a writ of habeas corpus ad prosequendum to answer the federal charges pending against him. He was thereafter returned to Texas

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

authorities. See Causey v. Civiletti, 621 F.2d 691, 693 (5th Cir. 1980)(if a defendant in state custody is turned over to federal officials for federal prosecution, the state government's loss of jurisdiction is only temporary and the prisoner will be returned to state custody at the completion of the federal proceedings).

"A sentence to a term of imprisonment commences on the date the defendant is received in custody awaiting transportation to . . . the official detention facility at which the sentence is to be served." 18 U.S.C. § 3585. Rodriguez could not be received by the federal authorities for service of his federal sentence until he was released by Texas authorities. See Blackshear v. United States, 434 F.2d 58, 59 (5th Cir. 1970). The district court's denial of Rodriguez's motion is

AFFIRMED.