

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-41291  
Conference Calendar

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RICHARD WARD,

Petitioner-Appellant,

versus

CHANDLER, Warden; US PENITENTIARY, Beaumont,

Respondents-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:99-CV-490  
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June 13, 2000

Before JOLLY, DAVIS, and STEWART, Circuit Judges.

PER CURIAM:\*

Richard Charles Ward (#12020-018), a federal prisoner incarcerated at FCC Beaumont, filed a pro se application for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the Bureau of Prisons's refusal to credit him for time served while in state custody. The district court denied the application and Ward has appealed.

Ward, who is represented by counsel on appeal, has not briefed the question whether he can be required to serve his sentences in installments. Because Ward has not briefed this

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

issue, it is waived. Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

Ward has raised two new issues: (1) whether the Bureau of Prisons's refusal to run Ward's federal sentences concurrent with his state sentences violates his plea agreement with the Government and (2) whether the sentencing court's oral pronouncement, sentencing Ward to concurrent 13-month terms of imprisonment, takes precedence over its written judgment, sentencing him to concurrent 103-month terms of imprisonment. We do not reach these issues because they have been raised for the first time on appeal and do not involve purely legal questions. Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991).

Because the appeal is frivolous, it is DISMISSED. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2.

APPEAL DISMISSED.