

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

United States Court of Appeals
Fifth Circuit

FILED

December 8, 2010

Lyle W. Cayce
Clerk

No. 10-10348
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE MANUEL MUNIZ-SOLIS,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:09-CR-68-1

Before KING, BENAVIDES, and PRADO, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Jose Manuel Muniz-Solis (Muniz) has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Muniz has filed a response. Muniz's claim that he should have received credit for the time he spent in state custody was not cognizable before the district court, and it is not cognizable on direct appeal. *See United States v. Wilson*, 503 U.S. 329, 332-37 (1992). If Muniz seeks judicial review of the Bureau of Prisons' determination regarding

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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credit for the time he spent in state custody, he may file a 28 U.S.C. § 2241 petition for writ of habeas corpus after exhausting his administrative remedies. *See id.* at 335-36. Our independent review of the record, counsel's brief, and Muniz's response discloses no nonfrivolous issue for appeal. Accordingly, the motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.