

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

No. 15-51124
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 29, 2017

Lyle W. Cayce
Clerk

PAULINO AGUILERA-SANDOVAL,

Petitioner-Appellant

v.

WARDEN PEARCE, Bastrop Federal Correctional Institution, Bastrop, Texas,

Respondent-Appellee

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:14-CV-659

Before WIENER, DENNIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Paulino Aguilera-Sandoval, federal prisoner # 15963-078, appeals the district court's denial of a Federal Rule of Civil Procedure 60(b)(1) motion seeking reconsideration of the denial of a 28 U.S.C. § 2241 application that challenged the execution of his sentence for conspiracy to possess with intent to distribute cocaine. He contends that the district court erred in finding that the nearly two-year period between the issuance of a parole warrant in 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

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and the revocation of his parole was credited against his state sentence for murder. According to Aguilera-Sandoval, the period should be credited against his federal sentence. We find no abuse of discretion, as the record supports the district court's finding, and a prisoner is not entitled to credit toward his federal sentence for time credited against another sentence. *See* 18 U.S.C. § 3585(b); *Hernandez v. Thaler*, 630 F.3d 420, 428 (5th Cir. 2011); *Chick Kam Choo v. Exxon Corp.*, 699 F.2d 693, 695 (5th Cir. 1983).

To the extent Aguilera-Sandoval contends in his reply brief that he is entitled to credit for the period even though it was credited against the state sentence, he waived the argument by failing to include it in his initial brief to this court. *See United States v. Jackson*, 426 F.3d 301, 304 n.2 (5th Cir. 2005).

The judgment of the district court is AFFIRMED.