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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GERMAN DUENEZ,

Petitioner - Appellant,

v.

NEIL H. ADLER, Warden,

Respondent - Appellee.

No. 09-15625

D.C. No. 1:07-cv-01724-OWW

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Oliver W. Wanger, District Judge, Presiding

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Former federal prisoner German Duenez appeals pro se from the district court's judgment dismissing his 28 U.S.C. § 2241 petition. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Duenez contends that the Bureau of Prisons erred by declining to give him credit toward his federal sentence for the time he served in state custody before he was convicted and sentenced in federal court. The district court properly denied the petition because Duenez is not entitled to credit for time served for a separate state offense. *See* 18 U.S.C. § 3585(b); *see also Taylor v. Reno*, 164 F.3d 440, 444-45 (9th Cir. 1998); *Thomas v. Brewer*, 923 F.2d 1361, 1366-67 (9th Cir. 1991).

AFFIRMED.