

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-4825

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GLEN EVERRIC MCRAE,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Roger W. Titus, Senior District Judge. (8:12-cr-00651-RWT-1)

Submitted: August 31, 2015

Decided: September 9, 2015

Before DUNCAN, AGEE, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Kevin J. McCants, Washington, D.C., for Appellant. Rod J. Rosenstein, United States Attorney, Adam K. Ake, Assistant United States Attorney, Jennifer L. Wine, Special Assistant United States Attorney, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Glen Everric McRae pled guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1) (2012), and was sentenced 41 months' imprisonment. McRae appeals, arguing that the district court erred by failing to recommend that the Bureau of Prisons credit a period of state incarceration toward his federal sentence. "Because [such] recommendations are not binding on the Bureau of Prisons, they are neither appealable as 'final decisions' under 28 U.S.C. § 1291 nor as a 'final sentence' under 18 U.S.C. § 3742." United States v. Yousef, 327 F.3d 56, 165 (2d Cir. 2003); accord United States v. Ceballos, 671 F.3d 852, 855 (9th Cir. 2011) (collecting cases and noting that "[e]very other circuit that has confronted this issue has reached a similar conclusion"). Accordingly, we dismiss this appeal for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED