

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

United States Court of Appeals
Fifth Circuit

FILED

December 16, 2009

Charles R. Fulbruge III
Clerk

No. 08-51229
Summary Calendar

JERALD LEE HINES

Petitioner-Appellant

v.

WARDEN CLAUDE MAY

Respondent-Appellee

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:08-CV-59-SS

Before KING, STEWART and HAYNES, Circuit Judges.

PER CURIAM:*

Jerald Lee Hines, federal prisoner # 48922-080, filed a 28 U.S.C. § 2241 petition arguing that the Bureau of Prisons (BOP) should be compelled to consider his nunc pro tunc application to have the state prison in which he was previously confined designated as the place that his federal sentence began. The district court denied Hines's petition, and Hines now appeals.

The denial of Hines's § 2241 petition was based on the district court's findings that the BOP had considered Hines's application and denied it, that the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

BOP did not err in denying Hines's application, and that Hines's claims in the instant § 2241 petition were barred by the doctrine of res judicata. In his appellate brief, Hines does not address any of these findings. By failing to address the district court's rationale for denying the § 2241 petition, Hines has waived any challenge he could bring to the denial of his petition. *See Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

AFFIRMED.