

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-2582

David Sweet,

Appellant,

v.

Linda Sanders, Warden, FCI -
Forrest City,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: May 4, 2006
Filed: May 10, 2006

Before MELLOY, FAGG, and BENTON, Circuit Judges.

PER CURIAM.

David Sweet appeals from the district court's¹ dismissal of his 28 U.S.C. § 2241 petition, in which he sought credit on his federal sentence for time he spent in state custody. We agree with the district court that Sweet was not entitled to federal credit, because the record shows that the period of state detention at issue was credited against his state sentence. *See* 18 U.S.C. § 3585(b) ("A defendant shall be given

¹The Honorable Henry L. Jones, Jr., United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

credit toward the service of a term of imprisonment for any time he has spent in official detention prior to the date the sentence commences . . . that has not been credited against another sentence.”); *United States v. Kramer*, 12 F.3d 130, 132 (8th Cir. 1993) (this statute prohibits double credit, i.e., federal prisoner is not entitled to credit on federal sentence when he received credit toward his state sentence for same time period), *cert. denied*, 511 U.S. 1059 (1994).

Accordingly, we affirm. *See* 8th Cir. R. 47B.
