

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 08 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

DANNY RYAN SASS,

Petitioner - Appellant,

v.

JEFF E. THOMAS, Warden Federal
Prison Camp Sheridan, Oregon,

Respondent - Appellee.

No. 09-35830

DC No. 08 cv-0300 MA

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Malcolm F. Marsh, District Judge, Presiding

Argued and Submitted October 4, 2010
Portland, Oregon

Before: TASHIMA, PAEZ, and CLIFTON, Circuit Judges.

Danny Ryan Sass appeals the district court's denial of his petition for writ of habeas corpus under 28 U.S.C. § 2241. We have jurisdiction under 28 U.S.C. §§ 1291 and 2253(a), and we affirm.

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

1. Sass contends that the Bureau of Prisons' ("BOP") policies interpreting the Second Chance Act ("SCA") are substantively and procedurally invalid. The SCA, however, had not yet become effective, and the BOP's memoranda and regulations that are at issue on appeal had not yet been implemented when the BOP denied Sass' only request for a transfer to a Residential Re-Entry Center ("RRC") that is documented in the record. Accordingly, Sass' claims challenging the BOP's SCA-based policies are not ripe for review. *See Bova v. City of Medford*, 564 F.3d 1093, 1096 (9th Cir. 2009).

2. Sass also argues that the BOP, in denying his particular request for transfer to an RRC, violated 18 U.S.C. § 3621 by failing to consider the factors enumerated in that statute. We conclude that the record does not support this contention. We further note that, in any event, the BOP will evaluate any future RRC applications by Sass under its SCA-based policies, which we recently approved in the related case of *Sacora v. Thomas*, No. 10-35553, slip op. 19415 (9th Cir. Dec. 6, 2010).

AFFIRMED.