

APR 22 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

VERNON ALVIN LOUISVILLE, Jr.,

Petitioner - Appellant,

v.

A. W. GIBBS,

Respondent - Appellee.

No. 10-56800

D.C. No. 2:10-cv-03070-AG

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Andrew J. Guilford, District Judge, Presiding

Submitted April 16, 2013**

Before: CANBY, IKUTA, and WATFORD, Circuit Judges.

Federal prisoner Vernon Alvin Louisville, Jr. appeals pro se from the district court's judgment denying his 28 U.S.C. § 2241 habeas petition. We have jurisdiction under 28 U.S.C. § 1291. We review the denial of a section 2241

* 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).

habeas petition de novo and factual findings for clear error, *see Reynolds v. Thomas*, 603 F.3d 1144, 1148 (9th Cir. 2010), and we affirm.

Louisville contends that he is entitled to credit toward his federal sentence for the time he served in state custody before he was released to federal authorities on September 14, 2007. This argument fails because the time Louisville spent in state custody was already credited toward his state sentence. *See* 18 U.S.C. § 3585(b); *Allen v. Crabtree*, 153 F.3d 1030, 1033 (9th Cir. 1998) (noting that section 3585(b) disallows double crediting for time served).

AFFIRMED.