

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 21 2018

FOR THE NINTH CIRCUIT

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

WILLIAM D. DUNNE,

Petitioner-Appellant,

v.

G.J. BISSETT,

Respondent-Appellee.

No. 17-16231

D.C. No. 2:15-cv-00549-JAM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
John A. Mendez, District Judge, Presiding

Submitted August 15, 2018**

Before: FARRIS, BYBEE, and N.R. SMITH, Circuit Judges.

Federal prisoner William D. Dunne appeals pro se from the district court's denial of his 28 U.S.C. § 2241 habeas corpus petition. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Dunne contends that he was entitled to parole after he served 30 years of his

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

federal sentence, pursuant to 18 U.S.C. § 4206(d). We review de novo matters of statutory interpretation and the district court's decision to deny a section 2241 habeas petition. *See United States v. Havelock*, 664 F.3d 1284, 1289 (9th Cir. 2012) (en banc); *Stephens v. Herrera*, 464 F.3d 895, 897 (9th Cir. 2006). Prisoners sentenced before the Sentencing Reform Act, such as Dunne, "shall be released on parole after having served two-thirds of each consecutive term or terms, or after serving thirty years of each consecutive term or terms of more than forty-five years including any life term, whichever is earlier," absent certain findings. *See* 18 U.S.C. § 4206(d) (repealed 1987). Dunne received several consecutive federal prison terms, each one less than 45 years. We conclude, as have other courts, that the 30-year provision does not apply to Dunne's case. Rather, section 4206(d) entitles Dunne to parole only after he serves two-thirds of each consecutive term.

The government's motion for judicial notice is granted.

AFFIRMED.