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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILSON THOMAS,)	1:09-CV-00427 LJO SMS HC
)	
Petitioner,)	FINDINGS AND RECOMMENDATION
)	
v.)	
)	
NEIL H. ADLER, Warden, et al.,)	
)	
Respondents.)	

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On March 6, 2009, Petitioner filed the instant federal petition in this Court. He complains that the Bureau of Prisons has incorrectly computed his sentence. He argues that he is entitled to have his federal sentence made to run concurrent to his state sentence pursuant to 18 U.S.C. § 3585. However, Petitioner has already sought relief by way of 28 U.S.C. § 2241. In Wilson Thomas v. Charles Daniels, 3:06-CV-521-PA (D. Or. 2007), Petitioner raised the same challenge before the United States District Court for the District of Oregon. The petition was ordered dismissed with prejudice on January 23, 2007. As set forth in 28 U.S.C. § 2244(a), “No circuit or district judge shall be required to entertain an application for a writ of habeas corpus to inquire into the detention of a

1 person pursuant to a judgment of a court of the United States if it appears that the legality of such
2 detention has been determined by a judge or court of the United States on a prior application for a
3 writ of habeas corpus” Since Petitioner has already sought and been denied relief on his claims
4 in another district court, he cannot now seek relief in this court. The instant petition should be
5 dismissed.

6 **RECOMMENDATION**

7 Accordingly, the Court RECOMMENDS that the Petition for Writ of Habeas Corpus be
8 DISMISSED.

9 This Findings and Recommendation is submitted to the Honorable Lawrence J. O’Neill,
10 United States District Court Judge, pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and Rule
11 72-304 of the Local Rules of Practice for the United States District Court, Eastern District of
12 California. Within ten (10) court days (plus three days if served by mail) after being served with a
13 copy, any party may file written objections with the court and serve a copy on all parties. Such a
14 document should be captioned “Objections to Magistrate Judge’s Findings and Recommendation.”
15 Replies to the objections shall be served and filed within ten (10) court days (plus three days if
16 served by mail) after service of the objections. The Court will then review the Magistrate Judge’s
17 ruling pursuant to 28 U.S.C. § 636 (b)(1)(C). The parties are advised that failure to file objections
18 within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst,
19 951 F.2d 1153 (9th Cir. 1991).

20 IT IS SO ORDERED.

21 **Dated:** April 9, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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