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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE A. MELENDEZ,
Petitioner,
v.
WILLIAM BARR,
Respondent.

No. 1:20-cv-01773-SKO (HC)
**ORDER DENYING PETITIONER'S
MOTION TO SUPPLEMENT PETITION**
[Doc. 5]

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

On December 16, 2020, Petitioner filed the instant petition. (Doc. 1.) The Court conducted a preliminary review of the petition and issued Findings and Recommendations to dismiss the petition on January 5, 2021. (Doc. 7.)

On January 4, 2021, Petitioner filed a motion to supplement the petition with additional argument in support of his claim. (Doc. 5.) Petitioner is advised that the petition must be complete in and of itself. See Rule 2(c), Fed. Rules Governing Section 2254 cases. Pursuant to Rule 15(d) of the Fed. Rules of Civil Procedure, supplemental pleadings are permitted to the extent a party seeks to “set[] out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented.” Since Petitioner merely seeks to add further argument to his

1 claim, supplementation will not be permitted. Moreover, as discussed in the Court's Findings and
2 Recommendations, Petitioner's argument is without merit. Petitioner is incorrect in his
3 calculations. Petitioner believes the full term of his sentence is November 9, 2025, as noted in his
4 sentence computations. (Doc. 5 at 4.) This date, however, is the full term *after crediting his*
5 *sentence with 859 days of prior custody time*. This is illustrated by the fact that Petitioner was
6 sentenced on August 18, 2015, to a term of 151 months. Adding 151 months to August 18, 2015,
7 gives a full term date of March 18, 2028. Giving Petitioner credit for 859 days of prior custody
8 credit changed his full term date to November 9, 2025. There is nothing improper in the sentence
9 calculations.

10 Accordingly, Petitioner's motion to supplement his petition is DENIED.

11
12 IT IS SO ORDERED.

13 Dated: January 5, 2021

/s/ Sheila K. Oberto
14 UNITED STATES MAGISTRATE JUDGE