

August 26, 2005

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 04-10982
Summary Calendar

JOEL CHAD ALDRIDGE,

Petitioner-Appellant,

versus

K.J. WENDT, Warden;
M. GULLAT, Inmate Systems Manager,

Respondents-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:03-CV-1052-R

Before JONES, WIENER, and DeMOSS, Circuit Judges.

PER CURIAM:*

Joel Chad Aldridge, federal prisoner # 69187-080, appeals the district court's denial of his 28 U.S.C. § 2241 petition. He argues that the Bureau of Prisons ("BOP") has improperly determined that his federal sentence runs consecutively to his state sentence. The district court did not err by concluding that the federal sentence was to run consecutively to the state sentence. See 18 U.S.C. § 3584(a); Free v. Miles, 333 F.3d 550, 553 (5th Cir. 2003);

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

United States v. Hernandez, 234 F.3d 252, 256-57 (5th Cir. 2000);
United States v. Brown, 920 F.2d 1212, 1217 (5th Cir. 1991).

Aldridge also argues that the BOP erroneously failed to give him 366-days of jail credit on his federal sentence for time served in state custody when the state court ordered that the credit be rescinded from the state sentence. Aldrige is not statutorily entitled to credit on his federal sentence because, despite the state court order, the time at issue was credited toward his state sentence. See 18 U.S.C. § 3585(b). The judgment of the district court is therefore AFFIRMED.