

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-50593  
Summary Calendar

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HAROLD ALLEN ROTHSTEIN,

Petitioner-Appellant,

versus

JANET M. RENO, Attorney General; R.V. FRANCO, Warden;  
UNITED STATES MARSHALS SERVICE FOR THE WESTERN  
DISTRICT OF TEXAS,

Respondents-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. EP-96-CV-283  
- - - - -

May 21, 1998

Before WISDOM, WIENER, and DENNIS, Circuit Judges

PER CURIAM:\*

Harold Rothstein, federal prisoner # 02736-003, appeals the district court's denial of his 28 U.S.C. § 2241 motion. He argues that he should receive credit for presentence detention time toward his sentence for violating his probation.<sup>2</sup>

Rothstein's sentence for violating his probation is to run

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

<sup>2</sup> Initially, Rothstein also argued that he was denied due process during sentencing. He has abandoned this point. See Reply Brief.

consecutively with his sentence for violating his parole. Rothstein received credit for the presentence detention time towards his separate parole-violation sentence. He does not have a right to double credit for the time served. See Radcliffe v. Clark, 451 F.2d 250, 251-52 (5th Cir. 1971).

The judgement is AFFIRMED.