

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-41114
Conference Calendar

DAVID HAMPTON,

Petitioner-Appellant,

versus

BUREAU OF PRISONS,

Respondent-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:99-CV-269
- - - - -
February 16, 2000

Before EMILIO M. GARZA, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

David Hampton, federal prisoner # 23890-034, appeals from the denial of his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Hampton argues that the district court had authority to grant him credit for the entire time that he was in state custody prior to the imposition of his federal sentence. Hampton argues that the determination by the Bureau of Prisons (BOP) not to award him full credit and the district court's failure to reduce his sentence violated the Double Jeopardy Clause.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The Attorney General, through the BOP, determines what credit, if any, will be awarded to prisoners for time spent in custody prior to the commencement of their sentences. See United States v. Wilson, 503 U.S. 329, 331-32, 334 (1992). The BOP correctly determined under 18 U.S.C. § 3585(b) that it may not award Hampton credit toward his term of imprisonment for any time he spent in official detention prior to the commencement of his sentence that was credited against another sentence. Accordingly, the judgment of the district court is AFFIRMED. All outstanding motions are DENIED.