

**NOT PRECEDENTIAL**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

NO. 05-1039

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ALVIN CONERLY,

Appellant

v.

WARDEN S. A. YATES

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On Appeal From the United States District Court  
For the Middle District of Pennsylvania  
(D.C. Civ. No. 03-cv-01831)  
District Judge: Honorable Christopher C. Conner

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Submitted Under Third Circuit LAR 34.1(a)  
October 3, 2005

Before: ALITO, SMITH and COWEN, Circuit Judges

(Filed October 11, 2005)

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OPINION

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PER CURIAM

Alvin Conerly appeals the District Court's order denying his motion for

reconsideration of the order denying his petition filed pursuant to 28 U.S.C. § 2241. In his petition, Conerly challenged a decision of the United States Parole Commission. The District Court denied his petition and subsequent motion for reconsideration, and Conerly filed a timely notice of appeal.

We have jurisdiction under 28 U.S.C. § 1291. Our review of the District Court's legal conclusions is plenary, and we review the Parole Commission's findings of facts for whether there is a rational basis for its conclusions in its statement of reasons. Funari v. Allenwood Fed. Corr. Inst., 218 F.3d 250, 254 (3d Cir. 2000). The procedural history of this case and the details of Conerly's claims are well-known to the parties, set forth in the District Court's opinion, and need not be repeated here.

Conerly raises five issues on appeal. First, he contends that the District Court erred in failing to address one of his claims. Second, he asserts that the Commission did not consistently apply its regulations in determining his severity offense category. He further argues that it employed the same criteria twice. Conerly contends that the Commission should have granted him credit for time served on his state sentence. Finally, Conerly asserts that the Commission disregarded his age at the time of his offense. After a review of the record and the arguments of the parties, we agree with the District Court's resolution of these issues. Because the District Court addressed the issue of whether Conerly was entitled to credit for time in state custody in his other § 2241 petition, it did not err in failing to address the issue in this case.

Accordingly, for essentially the reasons set forth by the District Court, we will affirm the District Court's judgment.