

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-3174

ANDREW M. KING,
Appellant

v.

CAMERON LINDSAY,
Warden, U.S.P. Canaan

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil Action No. 07-cv-00375)
District Judge: Honorable Sylvia H. Rambo

Submitted Pursuant to Third Circuit LAR 34.1(a)
November 7, 2007
Before: SLOVITER, BARRY and WEIS, Circuit Judges

(Opinion filed November 9, 2007)

OPINION

PER CURIAM

Andrew King appeals the District Court's order denying his petition filed pursuant to 28 U.S.C. § 2241. For the following reasons, we will affirm the District Court's judgment.

The procedural history of this case and the details of King's claims are well known to the parties, set forth in the District Court's thorough opinion, and need not be discussed at length. In his § 2241 petition, King argued that he was entitled to credit on his federal sentence for time served before trial. The District Court denied the petition, and King filed a timely notice of appeal.

We have jurisdiction under 28 U.S.C. § 1291 and exercise plenary review over the District Court's legal conclusions. Cradle v. U.S. ex rel. Miner, 290 F.3d 536, 538 (3d Cir. 2002). While King makes several arguments regarding the timing and the reasons for the pretrial detention at issue, he does not dispute that the time was credited towards his state sentence for a parole violation. As explained by the District Court, under 18 U.S.C. § 3585(b), a defendant can only receive credit towards a federal sentence for prior custody "that has not been credited against another sentence."

For the above reasons, as well as those set forth by the District Court, we will affirm the District Court's order. King's motion to expedite the appeal is denied as moot.