

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-6907

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

HERBERT KENT HARBISON, a/k/a Skibone, a/k/a
Skiborn,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of North Carolina, at Asheville. Lacy H. Thornburg,
District Judge. (CR-00-9)

Submitted: October 19, 2005

Decided: November 4, 2005

Before WILLIAMS, MOTZ, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Herbert Kent Harbison, Appellant Pro Se. Jerry Wayne Miller, Amy
Elizabeth Ray, OFFICE OF THE UNITED STATES ATTORNEY, Asheville,
North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Herbert Kent Harbison, a federal prisoner, appeals from the district court's order denying his motion for credit for time spent in prior custody pursuant to 18 U.S.C. § 3585(b) (2000). Harbison's claims challenge the execution of his sentence and cannot be brought in the first instance to the district court under § 3585(b). United States v. Wilson, 503 U.S. 329 (1992). Any challenge to the execution of sentence must be brought under 28 U.S.C. § 2241 (2000), after exhaustion of remedies through the Bureau of Prisons. Id. at 335. We have reviewed the record and find no reversible error. Accordingly, we deny leave to proceed in forma pauperis and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED