

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-7514**

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BYRON BEARD,

Petitioner - Appellant,

versus

BUREAU OF PRISONS; DENNIS BIDWELL, Warden,

Respondents - Appellees.

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Appeal from the United States District Court for the District of Maryland, at Baltimore. Andre M. Davis, District Judge. (CA-97-2187-AMD)

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Submitted: January 13, 1998

Decided: January 22, 1998

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Before HALL, MICHAEL, and MOTZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Byron Beard, Appellant Pro Se. Lynn Ann Battaglia, United States Attorney, Baltimore, Maryland; Larry David Adams, Assistant United States Attorney, Greenbelt, Maryland, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Byron Beard appeals the district court's order denying relief on his 28 U.S.C. § 2241 (1994) petition. We have reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge and find no reversible error. Accordingly, we affirm substantially on the reasoning of the district court. Beard v. Bureau of Prisons, No. CA-97-2187-AMD (D. Md. Oct. 8, 1997). A defendant may not receive credit against his federal sentence for time spent in state custody prior to the date the federal sentence commences if that time has been credited against another sentence. See 18 U.S.C.A. § 3585(b) (West 1985); McClain v. Bureau of Prisons, 9 F.3d 503, 505 (6th Cir. 1993). Accordingly, we need not address whether Beard's continued state confinement was the exclusive product of the federal detainer lodged against him because he received credit for time spent in state custody against his state sentence. 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.

AFFIRMED