

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-3299

Victor Rivera,

Appellant,

v.

Lisa J. W. Hollingsworth, Warden,
FCI Sandstone,

Appellee.

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* Appeal from the United States
* District Court for the District
* of Minnesota.

* [UNPUBLISHED]

Submitted: July 16, 2004
Filed: July 27, 2004

Before MURPHY, FAGG, and SMITH, Circuit Judges.

PER CURIAM.

Federal inmate Victor Rivera, confined in the Federal Correctional Institution at Sandstone, Minnesota, appeals the district court's* dismissal of Rivera's 28 U.S.C. § 2241 petition. After carefully reviewing the record, we conclude the Federal Bureau of Prisons properly calculated Rivera's sentence to commence on the date it

*The Honorable Ann D. Montgomery, United States District Judge for the District of Minnesota, adopting the report and recommendation of the Honorable Arthur J. Boylan, United States Magistrate Judge for the District of Minnesota.

was imposed and to run for 147 months. We also conclude the district court did not abuse its discretion in denying Rivera an evidentiary hearing. See Newton v. Kemna, 354 F.3d 776, 785 (8th Cir. 2004).

We affirm the judgment of the district court. See 8th Cir. R. 47B.
