

UNITED STATES COURT OF APPEALS

DEC 30 2002

TENTH CIRCUIT

PATRICK FISHER
Clerk

RICKEY G. ROGERS,
Petitioner-Appellant,

v.

COL. STEPHEN L. ANDRASCHKO,
Respondent-Appellee.

No. 02-3182
(D.C. No. 00-CV-3449-RDR)
(D. Kansas)

ORDER AND JUDGMENT*

Before **KELLY, McKAY**, and **MURPHY**, Circuit Judges.

After examining the brief and the appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

This is a pro se 28 U.S.C. § 2241 military-prisoner appeal. Mr. Rogers was convicted by a general court-martial of rape, robbery, housebreaking, attempted

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

rape, AWOL, assault, and burglary. He was sentenced to forty years' confinement and a dishonorable discharge. He was released on parole, but parole was revoked due to his violation of parole conditions.

In his § 2241 petition, Mr. Rogers challenges the Army Clemency and Parole Board's revocation of his parole and the denial of street-time credit. The district court denied the petition holding that the Board adhered to its regulations and applicable due process principles. This appeal followed.

After a thorough review of the brief and the record, and for substantially the same reasons set forth in the district court's well-reasoned May 16, 2002, Order, we hold that no relief is available to Mr. Rogers.

AFFIRMED.

Entered for the Court

Monroe G. McKay
Circuit Judge