IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

In re the Personal Restraint Petition of JASON M. HOLDEN, Petitioner.	No. 48528-1-II ORDER DISMISSING PETITION

Jason M. Holden seeks relief from personal restraint imposed following his 2003 conviction of second degree robbery for which he has a community custody hold pending his release from federal custody for an attempted armed robbery. In this petition, he asks to have his State community custody terminated and/or modified so that it runs concurrently with his federal sentence. The basis for his request is that the Department of Corrections' (DOC) hold on him is preventing him from qualifying for phase three of a residential drug and alcohol program.

A petitioner seeking relief by way of a personal restraint petition must show both that he is under restraint and that that restraint is unlawful. RAP 16.4(b)-(c). Petitioner does not claim that DOC is acting unlawfully or that his judgment and sentence is erroneous. Instead, petitioner asks for this relief so that he can better himself and free the State from the costs of his impending supervision.

But petitioner identifies no statute that would allow this court or the superior court to change the terms of his lawfully imposed sentence. Absent such authority, neither this

court nor the superior court can provide petitioner the relief he requests. *See State v. Shove,* 113 Wn.2d 83, 86-87, 776 P.2d 132 (1989) (SRA permits modification of sentence in only specific, carefully delineated circumstances).

Petitioner fails to show unlawful restraint. Accordingly, it is hereby

ORDERED that this petition is dismissed under RAP 16.11(b).

DATED this 17th day of May, 2016.

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Acting Chief Judge, Pro Tem

cc: Jason M. Holden
    Dept. of Corrections
    Pierce County Cause No(s). 03-1-04573-1
    Paul D. Weisser