

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GEORGE CECALA,

Petitioner,

v.

JOSEPH SCIBANA, Warden of
Oxford Prison Camp,

Respondent.

ORDER

04-C-402-C

On September 3, 2004, I granted petitioner George Cecala's petition for a writ of habeas corpus and directed respondent to recalculate petitioner's good conduct time on the basis of his imposed sentence rather than the actual time he had served. Judgment closing the case was entered that same date. Now petitioner has filed a "motion for sanctions and rule to show cause and for home confinement in lieu of halfway house," which I construe as a motion to enforce the September 3 judgment.

In his motion, petitioner does not contend that respondent failed to recalculate his good time credits as this court ordered. Rather, petitioner appears to believe that because he has been credited with additional good conduct time, he is entitled to earlier release to

a halfway house and, if there is no room for him in the halfway house that the Bureau of Prisons has selected for him, he is entitled to be released to home confinement. Petitioner is wrong.

In this court's order of September 3, 2004, I addressed the precise issue petitioner is raising now. Because petitioner may not have read this paragraph carefully, I will repeat it here.

I emphasize, however, that I cannot order respondent to place petitioner in a halfway house on a particular date. Under 18 U.S.C. § 3624(c), the Bureau of Prisons is required, when it is "practicable," to allow inmates to spend a "reasonable part" of their sentence learning to prepare for release. However, the statute grants the bureau discretion to decide how the inmate is to be prepared for release and how much time the inmate needs to prepare. Although it appears that the bureau's practice is to transfer most inmates to halfway houses for the last six months of their sentence, Monahan v. Winn, 276 F. Supp. 2d 196, 199 (D. Mass. 2003), this practice is not required by statute. Therefore, I express no opinion on the question whether or when petitioner should be transferred to a halfway house.

Because I did not order the Bureau of Prisons to move petitioner to a halfway house at any particular time, petitioner cannot prevail on his claim that respondent has violated the judgment by failing to send petitioner to a halfway house.

ORDER

IT IS ORDERED that petitioner George Cecala's motion to enforce the judgment entered in this case on September 3, 2004, is DENIED.

Entered this 6th day of October, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge