

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

BRANDON ROBERT FRY,

Petitioner,

v.

JOSEPH SCIBANA, Warden,

Respondent.

ORDER

04-C-457-C

Petitioner Brandon Robert Fry has filed an “emergency” petition for a writ of habeas corpus brought pursuant to 28 U.S.C. § 2241, seeking the relief I granted petitioner Yancey White in White v. Scibana, 314 F. Supp. 2d 834 (W.D. Wis. 2004). Attached to his motion is a Bureau of Prisons sentence computation sheet that shows that if the Bureau of Prisons were to compute his good conduct time on his 63 month sentence in accordance with White, he would be eligible for immediate release. Under the Bureau’s present computation, petitioner is scheduled to be released on July 29, 2004.

Although I have stayed most of the several petitions for writs of habeas corpus raising the good conduct time issue raised in White pending a decision from the Court of Appeals for the Seventh Circuit in that case, I have issued orders to show cause in cases in which (1) the petitioner submits a sentence computation from the bureau showing his release date and

(2) his release date would be imminent after a recalculation of his good conduct time in accordance with White. This is such a case.

Accordingly, IT IS ORDERED that respondent may have until July 16, 2004, in which to show cause why this petition should not be granted on petitioner Brandon Robert Fry's claim that the Bureau of Prisons is calculating his good time credits in violation of 18 U.S.C. § 3624(b)(1). There is no need for a traverse.

Entered this 14th day of July, 2004.

BY THE COURT:
BARBARA B. CRABB
District Judge