

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

NATHANIEL SMITH,

Defendant.

ORDER

98-CR-081-CC

Defendant Nathaniel Smith has filed a motion to correct the judgment and commitment in this case so as to give him more credit for the time he spent in the county jail awaiting trial and transfer to federal prison. The motion will be denied.

The Bureau of Prisons is responsible for computing jail time credit. The courts have no authority to make the computations except in the situation in which an inmate might file a lawsuit against the Bureau for inaccurate computation and they would do so then only after hearing from both the Bureau and the inmate.

Lest defendant think that he should file a lawsuit to obtain a different computation, he should know that his sentence began on the day he was sentenced in this court, which was February 19, 1999. No doubt the reason he did not receive any jail credit for the time

between his sentencing on February 19 and March 8, 1999, when he was transferred to FCI-Oxford, is because his sentence began to run on February 19. From that day forward, his sentence was running rather than the credit for his jail time. The net result is the same. The time defendant spent in jail from February 19 to March 8 is not lost time, as defendant seems to think.

ORDER

IT IS ORDERED that defendant's motion to correct judgment is DENIED.

Entered this 3rd day of June, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge