

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

GREGORY REVSON,
Petitioner,

ORDER

04-C-380-C

v.

WARDEN SCIBANA, F.C.I. Oxford,
Respondent.

In an order dated June 18, 2004, I stayed issuance of an order to show cause in this case so that petitioner could submit documentation revealing the date of his sentence and his release date as it is presently calculated by the Bureau of Prisons. Now petitioner has submitted two pages of a "progress report" which reflects that on October 25, 2002, he began serving a 60-month term of imprisonment, for which he was given 415 days of jail credit time. On the progress report, petitioner's good conduct time has been calculated at 108 days, and his projected release is shown as January 12, 2005. A comment dictated by Richard Laabs, petitioner's case manager, shows also that petitioner was approved for release to a halfway house on July 21, 2004.

Because the documentation that petitioner has submitted does not reveal the total number of days of good time credit the Bureau of Prisons is presently calculating for

petitioner, it is impossible to tell how petitioner's case manager arrived at January 12, 2005 as petitioner's projected release date. In any event, even if I assume that the Bureau of Prisons is calculating petitioner's good time on the basis of his time served rather than the length of his sentence, his projected release date will be shortened by only approximately 35 days if his good time credits were to be recalculated in accordance with White v. Scibana, 314 F. Supp.2d 834 (W.D. Wis. 2004). That would mean that petitioner's release date would be in early December, 2004. By then, it is expected that the Court of Appeals for the Seventh Circuit will have had a chance to decide the appeal that has been filed in White. Because petitioner will have been released to a halfway house by the time he reads this order, he does not stand to lose any immediate or imminent benefit by imposition of a stay.

ORDER

IT IS ORDERED that the particular stay imposed on June 18, 2004 is LIFTED. However, a new stay is imposed pending a determination by the Court of Appeals for the

Seventh Circuit of the appeal in White v. Scibana, No. 04-2410, unless otherwise ordered
by this court.

Entered this 20th day of July, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge