

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

JOSEPH JACKSON,
Petitioner,

ORDER
04-C-416-C

v.

JOSEPH SCIBANA, Warden of
Oxford Prison Camp,
Respondent.

Petitioner Joseph Jackson is an inmate at the Federal Prison Camp in Oxford, Wisconsin. In this petition for a writ of habeas corpus brought under 28 U.S.C. § 2241, petitioner contends that the Federal Bureau of Prisons is calculating his good conduct time erroneously. He relies on White v. Scibana, 314 F. Supp. 2d 834 (W.D. Wis. 2004), in which I concluded that 18 U.S.C. § 3624(b) required the bureau to calculate good conduct time on the basis of the inmate's imposed sentence rather than the actual time he had served. In an order entered on November 3, 2004, I directed respondent to show cause why petitioner's petition should not be granted. In addition, I directed petitioner to submit proof that he served his petition on respondent. Petitioner submitted such proof on November 10, 2004. Now respondent has filed his response to the petition.

In his response, respondent admits that petitioner has exhausted his administrative remedies as he is required to do under Sanchez v. Miller, 792 F.2d 694, 699 (7th Cir. 1986). In addition, respondent states that petitioner was sentenced on February 1, 2002, to a 41-month term of imprisonment. Under the Bureau of Prisons' method of calculating petitioner's good conduct time, petitioner is projected for release on May 25, 2005 and prerelease on February 8, 2005. If his good time credit is recalculated in accordance with White, he will be eligible for release approximately 24 days earlier, and his prerelease date may be similarly adjusted. Accordingly, I will grant the petition and order respondent to recalculate petitioner's good conduct time on the basis of his sentence.

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. 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. Therefore, I express no opinion on the question whether or when petitioner should be transferred to a halfway house.

ORDER

IT IS ORDERED that petitioner Joseph Jackson's petition for a writ of habeas corpus

is GRANTED. Respondent Joseph Scibana is directed to recalculate petitioner's good conduct time on the basis of each year of his sentence rather than on time actually served.

Entered this 23rd day of November, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge