

UNITED STATES OF AMERICA,

Plaintiff,

v.

DACCO S. MUTH,

Defendant.

Judicial review of the terms of Defendant's incarceration is not appropriate at this time. Section 3624(c)(1), cited by Defendant as authority for this motion, is a substantive provision that governs the release of prisoners, and does not provide any authority for this Court to review placement or release decisions made by the BOP.¹ Instead, the Attorney General, through the BOP, is responsible for imprisoning federal offenders.² Calculation of a federal prisoner's sentence may be reviewed by a *habeas corpus* action under 28 U.S.C. § 2241.³ However,

¹See *United States v. Moten*, No. 03-40054-SAC, 2007 WL 2155653, at *1 (D. Kan. July 26, 2007).

²See *United States v. Wilson*, 503 U.S. 329, 336-38 (1992).

³*Romandine v. United States*, 206 F.3d 731, 736 (7th Cir. 2000).

judicial review is only appropriate after the prisoner has exhausted all of his or her administrative remedies with the BOP.⁴ Here, there is no indication that Defendant has sought administrative relief by presenting to the Attorney General his request for direct placement into an RRC, nor has he brought a *habeas* action under § 2241. Therefore, Defendant's motion is denied.

IT IS THEREFORE ORDERED BY THE COURT that Defendant's Motion for Direct Placement into an RRC (Doc. 27) is DENIED.

IT IS SO ORDERED.

Dated: May 9, 2017

S/ Julie A. Robinson

JULIE A. ROBINSON

UNITED STATES DISTRICT JUDGE

⁴*Id.*; *Thomason v. Guzik*, 226 F.3d 642 (5th Cir. 2000).