IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERIC	CA,)	
Plaintiff,)))	
v. DACCO S. MUTH,)))	Case No. 14-20063-JAR
Defendant	, , , ,	

ORDER

On January 22, 2015, the Court sentenced Defendant Dacco Muth to 60 months' imprisonment (Doc. 22). Before the Court is Defendant's Motion for Direct Placement into a Residential Re-entry Center ("RRC") pursuant to Title 18 U.S.C. 3624 (Doc. 27). Defendant states that he is entitled to placement in an RRC for the last nine to twelve months of his sentence, and requests this Court order the Bureau of Prisons ("BOP") to take immediate action.

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).

³Romandine 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).