

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

KARAMJEET S. PAUL

v.

HARLEY G. LAPPIN, DIRECTOR
FEDERAL BUREAU OF PRISONS

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CIVIL ACTION NO.
3:04cv1928 (SRU)

RULING ON PETITION FOR WRIT OF HABEAS CORPUS

Karamjeet S. Paul petitions this court for a writ of habeas corpus, pursuant to 28 U.S.C. §§ 2241 and 1651, and a preliminary injunction. Paul is a convicted federal prisoner in the custody of the Bureau of Prisons (“BOP”), who is presently confined in a half-way house in Hartford, Connecticut. He challenges the BOP’s policy of calculating “good conduct time credit” under 18 U.S.C. § 3624, and argues that he should be released by the BOP eighteen days earlier than the BOP plans to release him.

The court initially ordered the respondent to show cause why the relief requested should not be granted. In light of Paul’s fast approaching release date, and because the petition can be decided as a matter of law on the present record, the court has decided the petition without awaiting the respondent’s submission.

Paul argues that under section 3624(b) he is eligible for fifty-four days of good conduct time credit per year based on the sentence imposed, not the actual time served. Under Paul’s calculation and assuming continued good behavior, he would be eligible for 135 days of credit, and his projected release date would be January 24, 2005; the BOP’s calculation awards him 117 days of credit and projects his release date to be February 11, 2005. Thus, Paul believes that he will be required to serve eighteen days more than he should under his reading of section 3624(b).

The statute provides in pertinent part:

(a) Date of release. A prisoner shall be released by the Bureau of Prisons on the date of the expiration of the prisoner's term of imprisonment, less any time credited toward the service of the prisoner's sentence as provided in subsection (b). . . .

(b) Credit toward service of sentence for satisfactory behavior.

(1) . . . a prisoner who is serving a term of imprisonment of more than 1 year other than a term of imprisonment for the duration of the prisoner's life, may receive credit toward the service of the prisoner's sentence, beyond the time served, of up to 54 days at the end of each year of the prisoner's term of imprisonment, beginning at the end of the first year of the term, subject to determination by the Bureau of Prisons that, during that year, the prisoner has displayed exemplary compliance with institutional disciplinary regulations. . . . [C]redit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence.

18 U.S.C. § 3624.

The BOP has interpreted the statute to require the calculation of good conduct time credit based on years served: "Pursuant to 18 U.S.C. § 3624(b) . . . an inmate earns 54 days credit toward service of sentence (good conduct time credit) for each year served." 28 C.F.R. § 523.20.

Although the Second Circuit has yet to review the BOP's interpretation of section 3624(b), other courts of appeals have upheld the BOP's reading due to the ambiguity of the phrase "term of imprisonment" in section 3624(b). See Pacheo-Camacho v. Hood, 272 F.3d 1266 (9th Cir. 2001); White v. Scibana, 2004 WL 2749863 (7th Cir. Dec. 2, 2004). District courts in this circuit have similarly upheld the BOP's interpretation. See, e.g., Sash v. Zenk, 2004 WL 2549724 (E.D.N.Y. Nov. 9, 2004); Loeffler v. Bureau of Prisons, 2004 WL 2417805 (S.D.N.Y. Oct. 29, 2004). In fact, only one court has rejected the BOP's policy and interpreted section 3624(b) to require calculation of good conduct time credit based on the sentence imposed

rather than time served, and the Seventh Circuit reversed that decision. White v. Scibana, 314 F. Supp. 2d 834 (W.D. Wis. 2004), rev'd, 2004 WL 2749863 (7th Cir. Dec. 2, 2004).

The essential reasoning of these courts is that, because the statute is ambiguous and because the BOP's interpretation is reasonable, the BOP's interpretation must be accorded substantial deference under Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc., 467 U.S. 837 (1984). I agree with this analysis and adopt it here. Accordingly, because Paul has incorrectly interpreted section 3624, he is not entitled to relief.

The petition for a writ of habeas corpus and preliminary injunction (doc. # 1) is DENIED. The clerk shall enter judgment and close the file.

It is so ordered.

Dated at Bridgeport, Connecticut, this 10th day of December 2004.

/s/ Stefan R. Underhill
Stefan R. Underhill
United States District Judge