

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED  
JUL 25 2005  
BY: JOHN F. CORCORAN, CLERK  
DEPUTY CLERK

TIMOTHY DONALD BRYANT,  
Reg. No. 16955-058,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

Civil Action No. 7:05-cv-00468

MEMORANDUM OPINION

By: Hon. James C. Turk  
Senior United States District Judge

Petitioner Timothy Donald Bryant, a federal inmate incarcerated at the United States Penitentiary in Lee County, Virginia, and proceeding pro se, brings this action as a petition for writ of habeas corpus, pursuant to 28 U.S.C. §2241. Bryant challenges the validity of the current calculation of his earned good conduct time by officials of the United States Bureau of Prisons (BOP). Upon review of the record, the court concludes that Bryant's allegations fail to state any claim upon which he is entitled to relief in this court. Accordingly, the court will summarily dismiss his petition without prejudice, pursuant to 28 U.S.C. §2243.

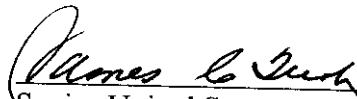
Bryant argues that the BOP is erroneously calculating his good conduct time based on the time he has served rather than on the sentence imposed. In support of this argument, he cites Moreland v. Bureau of Prisons, 363 F. Supp. 2d 882 (S.D. Tex. 2005). The United States Court of Appeals for the Fourth Circuit, however, recently issued a decision reaching the opposite conclusion as the Moreland court reached and upholding the BOP's method of good time calculation. See Yi v. Federal Bureau of Prisons, \_\_\_ F. 3d \_\_\_, 2005 WL 1413897, DN 04-6891 (4th Cir. June 17, 2005). Decisions by the Fourth Circuit are controlling law in this court. As Bryant does not allege that BOP officials have miscalculated his good time under the method approved in the Yi decision, this court will dismiss his §2241 petition without prejudice.

An appropriate order shall be issued this day.

The petitioner is advised that he may appeal this decision, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, if a circuit court of appeals justice or this court issues a certificate of appealability, pursuant to 28 U.S.C. §2253(c). A certificate of appealability may issue only if the applicant has made a substantial showing of the denial of a constitutional right. §2253(c)(1). If petitioner intends to appeal, petitioner must file a notice of appeal with this court within 60 days of the date of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk is directed to send certified copies of this memorandum opinion and accompanying order to petitioner and to the Office of the United States Attorney in Roanoke, Virginia.

ENTER: This 25<sup>th</sup> day of July, 2005.

  
Senior United States District Judge