

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

January 5, 2009

No. 08-60022
Summary Calendar

Charles R. Fulbruge III
Clerk

JASON BOWEN

Petitioner-Appellant

v.

CONSTANCE REESE, Warden

Respondent-Appellee

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 5:07-CV-48

Before HIGGIBOTHAM, BARKSDALE, and ELROD, Circuit Judges.

PER CURIAM:*

Jason Bowen, federal prisoner # 09907-031, appeals the dismissal of his 28 U.S.C. § 2241 petition. Bowen alleged that he was subjected to and engaged in sexual activity with Tennessee prison officials and that drugs were planted in his cubicle. Bowen asserted that as a result of these incidents, he was confined in a special housing unit and subsequently was transferred to a prison in Mississippi. Bowen contends that because he is asserting that he is incarcerated in the wrong prison, § 2241 is the proper vehicle for his claims.

* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

Because a favorable determination would not automatically entitle Bowen to accelerated release from custody, his claims do not arise under § 2241. See *Carson v. Johnson*, 112 F.3d 818, 820–21 (5th Cir. 1997). Claims that have no relation to a prisoner's ultimate date of release from custody are not grounds for habeas relief. *Malchi v. Thaler*, 211 F.3d 953, 958–59 (5th Cir. 2000). The judgment of the district court is AFFIRMED.