

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

**TIMOTHY TENSLEY,
Reg. # 10203-003**

PETITIONER

VS.

CASE NO. 2:10CV00014 BD

**T.C. OUTLAW, Warden,
Federal Correctional Complex,
Forrest City, Arkansas**

RESPONDENT

ORDER

On July 2, 2010, this Court entered an Order granting in part Petitioner Timothy Tensley's 28 U.S.C. § 2241 petition for writ of habeas corpus (docket entry #10). In the Order, the Court ordered Respondent to show cause why he should not immediately transfer Petitioner to a Residential Re-entry Center ("RRC") for the remainder of his prison term. The Court noted that Respondent could show cause by providing evidence of a previously completed Second Chance Act assessment (#10, p. 7). Respondent has now provided evidence that the Bureau of Prisons ("BOP") complied with the Second Chance Act when considering Petitioner's request for RRC placement (#12).

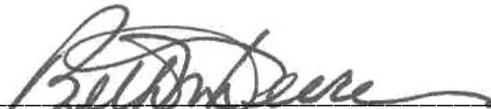
When determining RRC placement, the BOP is required only to consider the request "in good faith." *Fults v. Sanders*, 442 F.3d 1088, 1089 (8th Cir. 2006). The BOP retains broad discretion under the Second Chance Act, and courts review the BOP's decisions for abuse of its "substantial discretion." *Fegans v. United States*, 506 F.3d 1101, 1102-1105 (8th Cir. 2007). Under the Second Chance Act, Petitioner is entitled to a good faith, individualized assessment of his RRC placement needs. The evidence

provided by Respondent shows that Petitioner received the required assessment.

Accordingly, Petitioner Timothy Tensley's Petition for Writ of Habeas Corpus (#2) is

DISMISSED with prejudice.

IT IS SO ORDERED this 13th day of July, 2010.


UNITED STATES MAGISTRATE JUDGE