

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

MICHAEL TWITTY
Reg #40460-044

PETITIONER

v.

No. 2:17-cv-121-DPM

G. BEASLEY, Warden, FCI - Forrest City Low

RESPONDENT

ORDER

On *de novo* review, the Court adopts Magistrate Judge Volpe's recommendation, *No* 4, and overrules Twitty's objections, *No* 5. FED. R. CIV. P. 72(b)(3). Twitty believes that the public safety factor makes him "ineligible for the year off" his sentence. *No* 5. But placement in community confinement wouldn't affect the length of Twitty's sentence; he'd just be serving his time in a different type of facility. *E.g.*, 18 U.S.C. § 3624(c)(1). While that may feel like a "year off" to Twitty, the distinction makes a difference under the law. Twitty's petition will therefore be dismissed without prejudice. No certificate of appealability will issue. 28 U.S.C. § 2253(c)(1)-(2).

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

23 August 2017