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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BLAYDE L. CROCKETT,

Petitioner,

No. CIV S-08-1861 CHS P

vs.

RICHARD B. IVES,

Respondent.

ORDER DENYING PETITION

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I. INTRODUCTION AND BACKGROUND

Petitioner Blayde L. Crockett is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner challenges the execution of his 70 month prison term imposed for convictions of conspiracy to defraud the IRS and aiding and assisting in the preparation of false income tax returns. Specifically, petitioner seeks to compel the Bureau of Prisons (“BOP”) to lawfully evaluate him for placement in a Residential Re-entry Center (“RRC”) to serve the last 12 months of his sentence. The parties have consented to jurisdiction by a United States Magistrate Judge.

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1 II. DISCUSSION

2 Pursuant to 18 U.S.C. 3624(c)(1), the Director of BOP “shall, to the extent
3 practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final
4 months of that term (not to exceed 12 months), under conditions that will afford that prisoner a
5 reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the
6 community. Such conditions may include a community correctional facility.”

7 In claiming that BOP has unlawfully declined to place him in a Residential Re-
8 Entry Center for a full 12 months at the end of his sentence, petitioner is challenging the legality
9 of the manner in which his sentence is being executed. Thus, the petition is properly brought
10 under 28 U.S.C. §2241. To receive relief under 28 U.S.C. §2241, a petitioner in federal custody
11 must show that his sentence is being executed in an illegal, but not necessarily unconstitutional
12 manner. *See e.g., Clark v. Floyd*, 80 F.3d 371, 374 (9th Cir. 1996) (contending time spent in
13 state custody should be credited toward federal custody); *United States v. Jalili*, 925 F.2d 889,
14 893-94 (6th Cir. 1991) (asserting petitioner should be housed at a community treatment center).

15 Article III of the Constitution limits federal courts to the adjudication of actual,
16 ongoing controversies between litigants. *Deakins v. Monaghan*, 484 U.S. 193, 199 (1988). The
17 basic question in determining mootness is “whether there is a present controversy as to which
18 effective relief can be granted.” *Outdoor Media Group, Inc. v. City of Beaumont*, 506 F.3d 895,
19 900 (9th Cir. 2007). A §2241 habeas petition brought by a federal inmate alleging that BOP has
20 unlawfully declared him ineligible for placement at a Residential Re-entry Center is rendered
21 moot when BOP places the inmate at an RRC. *See Miller v. Whitehead*, 527 F.3d 752, 756 (8th
22 Cir. 2008); *Qureshi v. Sanders*, 563 F. Supp. 2d 1154, 1157 (C.D. Cal. 2008).

23 Here, petitioner was placed at a Residential Re-Entry Center on March 3, 2009.¹
24 (See Declaration of Jeffery Anderson, Exhibit 1 to respondent’s status report filed 7/22/09.) He

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26 ¹ It further appears that petitioner has failed to comply with Local Rule 83-182(f), which
requires that a party appearing in propria persona inform the court of any address change.

1 does not allege the existence of any collateral consequences from the deferral of his RCC
2 placement. *See Spencer v. Kemna*, 523 U.S. 1, 7-8 (1998). Petitioner's claim is moot.

3 III. CONCLUSION

4 For the foregoing reasons, the petition for writ of habeas corpus is hereby
5 DENIED.

6 Dated: August 7, 2009.


7 CHARLENE H. SORRENTINO
8 UNITED STATES MAGISTRATE JUDGE
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