

1
2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8
9 UNITED STATES OF AMERICA, C-16-01173-CW
10 Plaintiff, No. C 08-559 CW
11 v. ORDER CONSTRUING
12 DOMINIC MILANO, LETTER DATED
13 Defendant. FEBRUARY 21, 2016
AS 28 U.S.C. § 2241
PETITION AND
PETITION

14 _____/
15
16 Defendant Dominic Milano, a federal prisoner incarcerated at
17 the United States Penitentiary in Inez, Kentucky, has written a
18 letter to the Court, stating that his sentence was miscalculated
19 because he did not receive credit for time served.

20 After a district court sentences a federal offender, the
21 Attorney General, through the Bureau of Prisons (BOP), has the
22 responsibility for administering the sentence. United States v.
23 Wilson, 503 U.S. 329, 335 (1992) (citing 18 U.S.C. § 3621(a)).
24 This includes responsibility for computing time credits and
25 determining a sentence termination date once the defendant actually
26 commences serving his sentence. Id. at 333-335; United States v.
27 Checchini, 967 F.2d 348, 349 (9th Cir. 1992). District courts lack
28 the authority to grant and compute time credits at sentencing.

1 Wilson, 503 U.S. at 333; Checchini, 967 F.2d at 349. Once a
2 prisoner commences his federal sentence and exhausts his
3 administrative remedies, however, he can petition for judicial
4 review of the Attorney General's computation of his sentence.
5 Wilson, 503 U.S. at 335; Checchini at 350. This is done by way of
6 a petition for a writ of habeas corpus under 28 U.S.C. § 2241.
7 United States v. Koller, 956 F.2d 1408, 1417 (7th Cir. 1992). A
8 petition pursuant to 28 U.S.C. § 2241 must be addressed to the
9 district which has jurisdiction over the prisoner or his custodian,
10 generally the district of confinement. United States v. Giddings,
11 740 F.2d 770, 772 (9th Cir. 1984); Brown v. United States, 610 F.2d
12 672, 677 (9th Cir. 1980).

13 Thus, this Court lacks jurisdiction over Defendant's petition
14 because he is in custody in the State of Kentucky. Therefore, the
15 petition is transferred to the Eastern District of Kentucky where
16 Defendant is incarcerated.

17 CONCLUSION

18 Accordingly, the Clerk shall transfer the petition to the
19 Eastern District of Kentucky.

20
21 IT IS SO ORDERED.

22
23 Dated: March 9, 2016



24 CLAUDIA WILKEN
25 United States District Judge
26
27
28