

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____	)	
JOSEPH EMIL KLUG,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 15-1811 (EGS)
	)	
OFFICE OF GENERAL COUNSEL	)	
FEDERAL BUREAU OF PRISONS,	)	
	)	
Respondent.	)	
_____	)	

MEMORANDUM OPINION

Petitioner Joseph Emil Klug is a federal prisoner proceeding *pro se*. He filed this mandamus action to compel the Bureau of Prisons’ Office of General Counsel to act on his two administrative appeals, Numbers 807592 and 809217, submitted on March 23, 2015, and April 19, 2015, respectively. Petitioner seeks to have BOP “acknowledge receipt of and reply to” his appeals, allow him to resubmit the appeals if not received, or declare his administrative remedies exhausted so that he can satisfy the prerequisite for filing suit in federal court. Compl. at 1-2.

Pending is BOP’s Motion to Dismiss under Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction [Dkt. 13]. According to BOP’s declarant, the General Counsel received petitioner’s appeals on March 30, 2015, and April 27, 2015. By regulation, 28 C.F.R. § 542.18, an inmate’s administrative remedies are effectively exhausted if the General Counsel, as the final arbiter of such matters, fails to provide a response within 60 days of its receipt of an appeal (inclusive of a one-time 20 day extension). BOP acknowledges that it has not responded to petitioner’s appeals, thereby rendering petitioner’s administrative remedies exhausted. *See Decl.*

of Richard J. Hansford [Dkt. 13-1]. Consequently, this case will be dismissed as moot. A separate Order accompanies this Memorandum Opinion.

SIGNED: EMMET G. SULLIVAN  
UNITED STATES DISTRICT JUDGE

DATE: September 16, 2016