

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 09-21770-CIV-UNGARO

RANDY SCRUGGS,

Petitioner,

v.

KENNY ADKINSON,

Respondent.

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ORDER ON MAGISTRATE JUDGE'S REPORT

THIS CAUSE is before the Court upon Petitioner Scruggs's *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. §§ 2241–43, filed June 29, 2009. (D.E. 1.) The matter was referred to Magistrate Judge Patrick A. White, who, on May 25, 2010, issued a Report recommending that the petition be denied. (D.E. 15.) The parties were afforded the opportunity to file objections to the Magistrate Judge's Report; on June 7, 2010, Petitioner filed Objections to the Magistrate's Report and Recommendation. (D.E. 16.)

THE COURT has considered the petition and the record as a whole and is otherwise fully advised in the premises.

In his Petition, Petitioner Scruggs claims that he is being unlawfully denied credit toward his federal sentence by the Bureau of Prisons (BOP) pursuant to 18 U.S.C. § 3585 and that he is entitled to pretrial credit for ten months he spent in the Port St. Lucie jail in 2005. (D.E. 1.) In his Report, the Magistrate Judge recommends that the petition be denied because the BOP, which is authorized to compute sentence credit awards after sentencing, has interpreted 18 U.S.C. § 3585 to disallow double crediting; when time spent incarcerated is credited against a prior

sentence—whether state, federal, or foreign—an inmate will not be credited for such time against his federal sentence. (D.E. 15.) And the Magistrate Judge determined from the record that Petitioner received credit for the time he spent in Port St. Lucie jail when sentenced by the state court in December 2005. (*Id.* at 2.) Thus, he is not entitled to receive credit for the same time on his federal sentence; this would amount to double crediting. (*Id.* at 6.)

The Court has considered the objections filed by the Petitioner but ultimately agrees with the analysis contained in the Magistrate Judge’s Report. Petitioner fails to raise any issues of law or fact that were not considered by the Magistrate Judge in reaching the conclusions and recommendation included in his Report.

Accordingly, after a careful, *de novo* review of the record and for the reasons stated above, it is hereby

ORDERED AND ADJUDGED that the Magistrate Judge’s Report of May 25, 2010 (D.E. 15) is RATIFIED, AFFIRMED and ADOPTED. It is further

ORDERED AND ADJUDGED that, for the reasons given in the Magistrate Judge’s Report, Petitioner Scruggs’s *pro se* petition for writ of habeas corpus (D.E. 1) is DENIED.

DONE AND ORDERED in Chambers at Miami, Florida, this _17th_ day of June, 2010.



URSULA UNGARO
UNITED STATES DISTRICT JUDGE

copies provided:
Randy Scruggs, *pro se*
Counsel of record