

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION  
LONDON

CHRIS GEORGE SFRAGIDAS,	)	
	)	
Petitioner,	)	Civil No. 6:18-109-GFVT
	)	
v.	)	
	)	
J. RAY ORMOND, Warden,	)	<b>MEMORANDUM OPINION</b>
	)	<b>AND ORDER</b>
Respondent.	)	
	)	

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Chris George Sfragidas is an inmate at the United States Penitentiary – McCreary in Pine Knot, Kentucky. Proceeding without a lawyer, Sfragidas filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 in which he claims that the Bureau of Prisons (BOP) miscalculated his release date because it failed to award him credit for a period of time he spent in state custody. [R. 1.] Sfragidas also filed a motion for leave to proceed *in forma pauperis*. [R. 3.]

As an initial matter, the Court will deny Sfragidas’s fee motion. That is because Sfragidas has submitted financial records which indicate that he currently has over \$25.00 in his inmate account and that an average of nearly the same amount was deposited into his account each month for the past six months. [R. 5 at 1-2.] Thus, Sfragidas has enough funds to pay the relatively small \$5.00 filing fee in this case.

The Court will also deny Sfragidas’s habeas petition without prejudice because it is clear from the face of his petition that he has not yet fully exhausted his administrative remedies. Indeed, Sfragidas indicates that he has only “started that process” and instead argues that he “is not required to exhaust his administrative remedies with the BOP.” [R. 1 at 2-3.] The United

States Court of Appeals for the Sixth Circuit, however, has stated plainly that “[f]ederal prisoners must exhaust their administrative remedies prior to filing a habeas petition under § 2241.” *Fazzini v. Northeast Ohio Correctional Center*, 473 F.3d 229, 231 (6th Cir. 2006). Since Sfragidas did not do so, and his failure to exhaust is not excused by an exception to the exhaustion requirement, his habeas petition is simply premature.

Accordingly, it is hereby **ORDERED** as follows:

1. Sfragidas’s motion for leave to proceed *in forma pauperis* [R. 3] is **DENIED**.

Within 21 days from the entry of this Order, Sfragidas **MUST** pay the \$5.00 filing fee to the Clerk of this Court.

2. Sfragidas’s petition for a writ of habeas corpus [R. 1] is **DENIED WITHOUT PREJUDICE** because he failed to fully exhaust his administrative remedies.
3. This action is **STRICKEN** from the Court’s docket.
4. A corresponding Judgment will be entered this date.

This 24th day of April, 2018.



Gregory F. Van Tatenhove  
United States District Judge