

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION
AT LONDON

CIVIL ACTION NO. 18-130-DLB

VELTREZ BLACK

PETITIONER

VS.

MEMORANDUM OPINION AND ORDER

WARDEN, USP-McCREARY

RESPONDENT

*** **

Petitioner Veltrez Black is an inmate at the United States Penitentiary–McCreary in Pine Knot, Kentucky. Proceeding without an attorney, Black 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. (Docs. # 1; 1-1).

This Court, however, will deny Black’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, Black indicates that while he has completed the administrative remedy process through an appeal to the appropriate Regional Director, he has not yet completed an appeal to the BOP’s Office of General Counsel. (Doc. # 1 at 6). Black then specifically argues “that since [he is] entitled to immediate release, exhaustion is not required.” *Id.* 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.” *Shah v. Quintana*, No. 17-5053, 2017 WL 7000265, at *1 (6th Cir. 2017) (quoting *Fazzini v. Ne. Ohio Corr. Ctr.*, 473 F.3d 229, 231 (6th Cir. 2006)). Since

Black clearly did not do so, his habeas petition is premature and must be dismissed.

Accordingly, for the reasons set forth herein,

IT IS ORDERED as follows:

(1) Petitioner Veltrez Black's petition for a writ of habeas corpus (Doc. # 1) is **DENIED WITHOUT PREJUDICE** because he has failed to exhaust his administrative remedies;

(2) This action is **DISMISSED** and **STRICKEN** from the Court's active docket;
and

(3) A corresponding Judgment will be entered concurrently herewith.

This 24th day of April, 2018.



Signed By:

David L. Bunning *DB*

United States District Judge

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