

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

RANDALL C. DEWITTE,)	
)	
Petitioner,)	Civil No. 6: 21-61-HRW
)	
V.)	
)	
GOMEZ, Warden,)	MEMORANDUM OPINION
)	AND ORDER
Respondent.)	

*** **

Federal inmate Randall DeWitte has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging the calculation of his sentence by the Bureau of Prisons. [D. E. No. 1] The Court has reviewed the petition and the materials DeWitte has filed in support of it pursuant to 28 U.S.C. § 2243, and will deny the petition for several reasons.

DeWitte did not pay the \$5.00 filing fee required by 28 U.S.C. § 1914, and he did not file a motion for leave to proceed *in forma pauperis*. DeWitte therefore failed to properly initiate an action in this Court, warranting denial of his petition. He also did not exhaust his administrative remedies prior to filing suit. DeWitte filed a “cop-out” in February 2021 regarding his sentence computation, but was told that it was still being reviewed by the Designation and Sentence Computation Center. [D. E. No. 1-3] If DeWitte wishes to challenge his sentence computation in this Court, he must first follow the BOP’s Inmate Grievance Program, satisfying its

procedural rules and meeting its deadlines. *Fazzini v. Northeast Ohio Correctional Center*, 473 F.3d 229, 231 (6th Cir. 2006). This includes a formal grievance to the warden, an appeal to the Mid-Atlantic Regional Office, and an appeal to the Central Office. Finally, DeWitte’s petition does not adequately explain the basis for his claim. He asserts that his criminal judgment “clearly states that petitioner’s time began to run on March 6, 2017,” [D. E. No. 1 at 7], but it plainly does not. *See* [D. E. No. 1-1] By federal statute the Bureau of Prisons (not the sentencing judge) calculates the federal sentence, including its commencement date and any applicable sentence credits. Thus DeWitte’s petition does not provide sufficient factual background or legal argument to explain why he thinks the BOP’s calculation is incorrect.

The Court will therefore deny the petition. Once DeWitte completes the inmate grievance process, he may file an entirely new petition regarding his concerns if he chooses to do so, addressing each of the matters described above. He may obtain appropriate forms from the Clerk’s Office.

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

1. Randall DeWitte’s habeas corpus petition [D. E. No. 1] is **DENIED**.
2. This matter is **DISMISSED** and **STRICKEN** from the docket.

This 19th day of April, 2021.



Signed By:

Henry R Wilhoit Jr. *HTW*

United States District Judge