

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

GREGORY GRIFFIN,
Petitioner,

V.

GREGORY KIZZIAH, Warden,
Respondent.

Civil Action No. 7: 17-43-KKC

**MEMORANDUM OPINION
AND ORDER**

*** **

Federal inmate Gregory Griffin filed his pro se petition for a writ of habeas corpus in this action seeking approximately ten months of prior custody credit pursuant to 18 U.S.C. § 3585(b) for time he had spent in federal custody. [R. 1] Griffin indicated that he had begun but had not yet fully exhausted his administrative remedies prior to filing suit, but sought a waiver of the exhaustion requirement. [R. 10]

The Court directed the warden to respond to the petition. [R. 11] The warden indicates that Griffin filed a grievance regarding the computation of his prior custody credits in 2016, but abandoned his appeal after it was rejected on procedural grounds at the regional level. [R. 15 at 4-5] Nonetheless, during the pendency of Griffin's petition, in March 2017 the Bureau of Prisons awarded Griffin the prior custody credits he sought, and his release date was advanced to July 2017. *Id.* at 3. The warden therefore requests that the petition be denied for failure to exhaust administrative remedies and as moot. [R. 15 at 5-12]

Records attached to the warden's response establish that Griffin was granted the relief he sought in his petition. [R. 15-1 at 3, 16] The BOP's online Inmate Locator database confirms that Griffin was released from custody in July 2017. See <https://www.bop.gov/inmateloc/> (last

visited on November 15, 2017). Because Griffin has already received the relief he sought through this action, his petition must be denied as moot. *Demis v. Sniezek*, 558 F. 3d 508, 511-13 (6th Cir. 2009); *Wright v. Hogsten*, No. 10-58-GFVT , 2010 WL 1995011, at *5 (E.D. Ky. May 19, 2010) (“To the extent that Wright seeks a nunc pro tunc designation under the authority of *Barden v. Keohane*, 921 F.2d 476 (3d Cir. 1991), the record reveals that such designation has been made, rendering Wright’s request on the issue moot.”)

Accordingly, **IT IS ORDERED** as follows:

1. The petition filed pursuant to 28 U.S.C. § 2241 by Gregory Griffin [R. 1] is **DENIED AS MOOT**.
2. The Court shall enter an appropriate Judgment contemporaneously with this Memorandum Opinion and Order.
3. This action is **DISMISSED** and **STRICKEN** from the Court’s docket.

Dated November 20, 2017.



Karen K. Caldwell

KAREN K. CALDWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY