

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BRUCE L. WATSON,)	
)	
Petitioner,)	
)	
v.)	No. 4:17CV961 NCC
)	
ST. LOUIS CITY JUSTICE CENTER,)	
)	
Respondent.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on petitioner’s application for writ of habeas pursuant to 28 U.S.C. § 2241. Petitioner seeks an order from the Court directing the Bureau of Prisons (“BOP”) to place him in a Federal Penitentiary to serve his federal sentence.

Petitioner pled guilty to one count of bank robbery. On April 27, 2010, the Court sentenced him to a prison term of sixty-three (63) months and two years of supervised release. Petitioner’s sentence was to run concurrent to the then pending state charge in Case No. 922-CR-03535-01. Petitioner is currently housed at the St. Louis City Justice Center.

Petitioner contends that his federal sentence is being carried out at a state jail. He believes this is “cruel and unusual punishment” because it is his belief that federal sentences should be carried out in federal institutions. Specifically, petitioner appears to have difficulty with the “22-hour” lock-down procedure instituted at the St. Louis City Justice Center.

Administrative procedures exist within the BOP for resolution of claims such as this one. *See Rogers v. United States*, 180 F.3d 349, 358 (1st Cir.1999) (“Once administrative remedies are exhausted, prisoners may then seek judicial review of any jail-time credit determination, by filing a habeas petition under 28 U.S.C. § 2241.”) (citing *United States v. Wilson*, 503 U.S. 329,

335 (1992); 28 C.F.R. §§ 542.10-542.16). “A prisoner may bring a habeas action challenging the BOP's execution of his sentence only if he first presents his claim to the BOP.” *Mathena v. United States*, 577 F.3d 943, 946 (8th Cir. 2009).

Petitioner does not allege that he exhausted his available administrative remedies before bringing this action. As a result, petitioner is not entitled to judicial relief.

Accordingly,

IT IS HEREBY ORDERED that the petition for writ of habeas corpus is **DENIED AND DISMISSED for failure to exhaust administrative remedies.**

IT IS FURTHER ORDERED that no certificate of appealability will be granted.

An Order of Dismissal will be filed separately.

Dated this 13th day of April, 2017



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE