

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

|                  |   |                              |
|------------------|---|------------------------------|
| LACHON PHILLIPS, | ) | CASE NO. 4:08 CV 2554        |
|                  | ) |                              |
| Petitioner,      | ) | JUDGE DONALD C. NUGENT       |
|                  | ) |                              |
| v.               | ) |                              |
|                  | ) |                              |
| WARDEN GUNJA,    | ) | <u>MEMORANDUM OF OPINION</u> |
|                  | ) | <u>AND ORDER</u>             |
| Respondent.      | ) |                              |

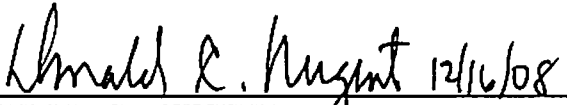
On October 28, 2008, petitioner *pro se* Lachon Phillips, an inmate at the McKean Federal Correctional Institution, filed the above-captioned habeas corpus action under 28 U.S.C. § 2241. Petitioner seeks an order reducing his federal sentence by two days for each day served at Northeast Ohio Correctional Center, on the ground that "the 'conditions' at the NEOCC were to be deemed, cruel and unusual punishment and this has caused him to serve a more onerous period of incarceration than that which contemplated by the sentencing Court." Petitioner cites several cases in support of his request. See Petition, p.5.

As a threshold matter, habeas corpus is not the appropriate vehicle for challenging the conditions of one's confinement. *Abuhouran v. Morrison*, No. 02-3427, 49 Fed.Appx. 349 (6th Cir. Sept. 18, 2002); *Okoro v. Scibana*, No. 99-1322, 1999 WL

1252871 (6th Cir. Dec. 15, 1999). Further, the cases cited by petitioner in support of his request for sentence modification all concern downward departures made by the trial court at sentencing. As such, they are wholly inapplicable here.

Accordingly, the petition is denied and this action is dismissed pursuant to 28 U.S.C. § 2243. The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

  
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DONALD C. NUGENT  
UNITED STATES DISTRICT JUDGE