(4:12cv00186)

PEARSON, J.

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION

Respondent.)	ORDER
DIRECTOR OF THE FEDERAL BUREAU OF PRISONS,)))	
v.)	JUDGE BENITA Y. PEARSON
Petitioner,)	
JAVIER CASTILLO-DeLEON,)	CASE NO. 4:12CV00186

Before the Court is *pro se* Petitioner Javier Castillo-DeLeon's Petition for Writ of Habeas Corpus filed pursuant to <u>28 U.S.C. § 2241</u>. <u>ECF No. 1</u>. The Court initially reviewed the matter and dismissed the Petition, in part, vis-a-vis a Memorandum of Opinion and Order¹ filed on September 24, 2012. <u>ECF No. 4</u>. Specifically, the Court rejected Castillo-DeLeon's claims that: (1) he is entitled to <u>18 U.S.C. § 3585</u> credit for the period in which he was also credited for the service of his state probation violation sentence (<u>ECF No. 4 at 5-6</u>); (2) his sentence commencement date should be January 2, 2009, the date he was taken into official custody, instead of August 31, 2010, the date he was sentenced (<u>ECF No. 4 at 6-7</u>); and (3) he is entitled to a *nunc pro tunc* designation for partial service of his federal sentence. <u>ECF No. 4 at 7-8</u>. With respect to Castillo-DeLeon's remaining claim, namely, that he was improperly awarded only 365 days of jail-time credit even though National Inmate Appeals Administrator Harrell Watts had determined he was entitled to § 3585 credit for the period from February 16, 2009, to August 30,

¹ The September 24, 2012 Memorandum of Opinion and Order contains a recitation of the relevant procedural facts at <u>ECF No. 4 at 2-4</u>.

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2010 (<u>ECF No. 4 at 4</u>), the Court ordered Respondent to show cause why a Writ of Habeas Corpus should not consequently issue. <u>ECF No. 4 at 8-9</u>.

On October 29, 2012, Respondent filed a Response together with the declaration of Dennis Melick, a management analyst at the Designation and Sentence Computation Center located in Grand Prairie, Texas. <u>ECF Nos. 9</u> and <u>9-1</u>. Respondent acknowledged that it had made an error in the computation of Castillo-DeLeon's jail-time credit. Respondent stated that Appeals Administrator Watts indeed had determined that Castillo-DeLeon was entitled to credit from February 16, 2009, to August 30, 2010, and, therefore, Watts and the Bureau of Prisons (BOP) incorrectly indicated that Castillo-DeLeon was entitled to only 365 days of credit. <u>ECF No. 9 at 6</u>. Consequently, Respondent takes the position that the Petition should be granted, in part, to allow Castillo-DeLeon to receive 561 days of jail-time credit. <u>ECF No. 9 at 6</u>.

Based on the foregoing, the Petition for Writ of Habeas Corpus is GRANTED IN PART, to the extent that Castillo-DeLeon shall be entitled to 561 days of jail-time credit. As set forth in the Court's September 24, 2012 Memorandum of Opinion and Order, the Petition for Writ of Habeas Corpus is otherwise DISMISSED. A hearing on the matter is not necessary.

IT IS SO ORDERED.

October 30, 2012 Date /s/ Benita Y. Pearson

Benita Y. Pearson United States District Judge