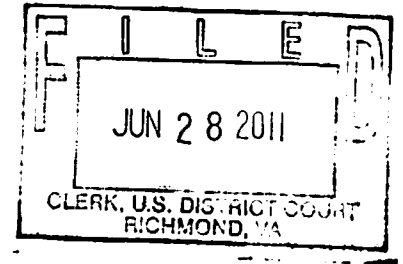


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



SYLVESTER MAURICE LIPSCOMBE,

Petitioner,

v.

Civil Action No. 3:10CV183

PATRICIA STANSBURY,

Respondent.

MEMORANDUM OPINION

Sylvester Maurice Lipscombe, a federal inmate incarcerated within the Federal Bureau of Prisons (“BOP”), submitted this petition for a writ of habeas corpus under 28 U.S.C. § 2241. Lipscombe asserts that he is entitled to relief because: “The BOP is abusing the Petitioner’s judgment in relation to the restitution imposed by the Court by demanding Petitioner to pay restitution under the [BOP’s] . . . payment plan without the authorization of the Judge.” (Mem. Supp. § 2241 Pet. 2.) Respondent has moved for summary judgment on the grounds that, *inter alia*, Lipscombe has failed to exhaust his administrative remedies. The matter is ripe for disposition.

“Federal prisoners must exhaust their administrative remedies prior to filing § 2241 petitions.” *McClung v. Shearin*, 90 F. App’x 444, 445 (4th Cir. 2004)(citing *Carmona v. U.S. Bureau of Prisons*, 243 F.3d 629, 634 (2d Cir. 2001); *Little v. Hopkins*, 638 F.2d 953, 953–54 (6th Cir. 1981)). The BOP provides a three-tiered administrative process:

First, the inmate must present the complaint informally on Form BP-8 to a staff member at the facility where he is housed. 28 C.F.R. § 542.13(a). If this informal procedure does not resolve the issue, the inmate then commences the three-tiered administrative remedy procedure by filing a formal written complaint on a Form BP-9 with the warden at the local level. 28 C.F.R. § 542.14. If unsatisfied with the warden's

response, the inmate may submit an appeal to the regional director on Form BP-10 within twenty days of the warden's response. 28 C.F.R. § 542.15(a). Finally, if unsatisfied at the regional level, the inmate has thirty days from the date of the regional director's response to submit an appeal on Form BP-11 to the general counsel. *Id.*

Rash v. Stansberry, No. 3:08CV94, 2009 WL 632606, *1 (E.D. Va. Mar. 11, 2009).

Lipscombe has not submitted any administrative remedy requests to the BOP pertaining to his Court-ordered restitution. (Resp't's Mot. Summ. J. Ex. 2 ¶ 5.) Lipscombe has not offered any reason for his failure to exhaust his administrative remedies. Accordingly, Respondent's Motion for Summary Judgment (Docket No. 13) will be GRANTED and the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

Date: 6-27-11
Richmond, Virginia

<p>/s/</p> <p>James R. Spencer Chief United States District Judge</p>
