



Estep v. United States of America (TV2)

2022 | Cited 0 times | E.D. Tennessee | November 23, 2022

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE JESSUP LEE ESTEP,
) Petitioner,) v.) No.: 3:22-CV-405-TAV-JEM 3:19-CR-156-TAV-HBG-1 UNITED STATES OF
AMERICA,) Respondent.)

MEMORANDUM OPINION This case is before the Court on petitioner pro se Motion Under 28 U.S.C. § 2241 for § 3584 and § 5G1.3 [Case No. 3:22-CV-405-TAV-JEM, Doc. 1]. In his motion, petitioner requests that petitioner seeks for the Court to recommend to

the Bureau of Prisons that he receive credit for time spent incarcerated. Petitioner has indicated that his motion is brought pursuant to 28 U.S.C § 2241. However, a petition for a writ of habeas corpus under § 2241 must be filed in petitioner district of confinement. *Setser v. United States*, 566 U.S. 231, 244 (2012) (citing 28 C.F.R.

§ 542.10, et seq.). Thus, because this Court is not in petitioner this Court does not have jurisdiction to review his motion under § 2241. However, the

Court does not construe petitioner lief pursuant to § 2241. Instead, due to the specific relief that petitioner is seeking, the Court construes his motion as a request for credit for time served pursuant to 18 U.S.C. § 3585 and will review the motion on that basis. The Court declines to make a recommendation as it considers the Bureau of Prisons in a better position to make determinations regarding petitioner for time served. While the Court may make certain recommendations to the Bureau of Prisons, er to grant credit for time served lies solely with the Attorney General and the Bureau of United States v. Crozier, 259 F.3d 503, 520 (6th Cir. 2001) (first citing 18 U.S.C. § 3585(b); and then citing *United States v. Wilson*, 503 U.S. 329, 333 (1992)); see also *United States v. Brown* time served is the exclusive responsibility of the Bureau of Prisons

If the Bureau of Prisons declines to credit petitioner , petitioner may then raise his claims through Administrative Remedy Program. *Setser*, 566 U.S. at 244 (citing 28 C.F.R. § 542.10, et seq.). After exhausting administrative remedies, petitioner may then petition for a writ of habeas corpus under 28 U.S.C. § 2241, a petition which must be filed in petitioner . *Id.*

Accordingly, petitioner [Case No. 3:22-CV-405-TAV-JEM, Doc. 1] will be DENIED, and Case No. 3:22-CV-405-TAV-JEM will be DISMISSED. An appropriate order will follow.

IT IS SO ORDERED.



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s/ Thomas A. Varlan UNITED STATES DISTRICT JUDGE

