

August 23, 2005

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 04-11386  
Summary Calendar

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PULILEKA MARTIN TATU,

Petitioner-Appellant,

versus

JOE RASBEARY, Warden, Giles W. Dalby  
Correctional Facility,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 5:04-CV-227  
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Before HIGGINBOTHAM, BENAVIDES, and OWEN, Circuit Judges.

PER CURIAM:\*

Pulileka Martin Tatu (Tatu), federal prisoner # 26165-177, appeals the district court's dismissal of his 28 U.S.C. § 2241 habeas corpus application challenging the Bureau of Prisons' (BOP) method of calculating good time credit under 18 U.S.C. § 3624(b).

Tatu argues that 18 U.S.C. § 3624(b) unambiguously requires that the BOP calculate a prisoner's good time credit based on the sentence imposed rather than on the time he has actually served.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Further, Tatu argues that the BOP's method of calculating good time credit is inconsistent with the plain meaning of 18 U.S.C. § 3624(b) and its legislative intent.

In Sample v. Morrison, 406 F.3d 310, 312-13 (5th Cir. 2005), this court rejected a similar challenge to the BOP's method of calculating good time credit. This court determined that the plain language of 18 U.S.C. § 3624(b) supports the BOP's method of calculating good time credit. Id. at 313. Alternatively, the statute is ambiguous and the BOP's interpretation is entitled to deference pursuant to Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc., 467 U.S. 837 (1984). Id.

Accordingly, the district court's judgment is AFFIRMED.