

February 18, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-10677
Conference Calendar

JEFFERY MCDANIEL,

Petitioner-Appellant,

versus

K. J. WENDT; KATHLEEN HAWK SAWYER,

Respondents-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:03-CV-00454-H

Before HIGGINBOTHAM, EMILIO M. GARZA, and PRADO, Circuit Judges.

PER CURIAM:*

Jeffery McDaniel, federal prisoner # 08769-078, appeals the district court's denial of his 28 U.S.C. § 2241 petition alleging that his constitutional rights were violated when the Bureau of Prisons ("BOP") denied him a one-year sentence reduction, pursuant to 18 U.S.C. § 3621(e), after initially informing him that he was eligible for such a reduction.

McDaniel renews his argument that the denial of the one-year credit violated his due process rights and that promissory

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

estoppel should prevent the BOP from renegeing on its statement of eligibility. His claims fail because there is no protected liberty interest in early release under 18 U.S.C. § 3621(e).

See Ruble v. Fleming, 160 F.3d 213, 216 (5th Cir. 1998); Venegas v. Henman, 126 F.3d 760, 765 (5th Cir. 1997) (“[t]he loss of the mere opportunity to be considered for discretionary early release is too speculative to constitute a deprivation of a constitutionally protected liberty interest”). Accordingly, the district court did not err in denying McDaniel’s petition, and its judgment is AFFIRMED.