

December 14, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-10296
Conference Calendar

LENNIE JOHN,

Petitioner-Appellant,

versus

COLE JETER, Warden,
Federal Medical Center Fort Worth,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:05-CV-99-A

Before KING, Chief Judge, and HIGGINBOTHAM and SMITH, Circuit Judges.

PER CURIAM:*

Lennie John, federal prisoner No. 05055-088, is serving a 180-month sentence for conspiracy to possess with intent to distribute cocaine. John has appealed the district court's dismissal of his 28 U.S.C. § 2241 petition challenging the method used by the Bureau of Prisons ("BOP") to compute the good time credit against his sentence authorized by 18 U.S.C. § 3624(b).

John contends that the BOP formula reduces his sentence by only 47 days of good time credit for each year served, rather

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

than the 54 days of credit specified in 18 U.S.C. § 3624(b).

John argues that, although he is statutorily entitled to 810 days of credit against his sentence for good behavior, he will receive only 682 days of sentence credit under the BOP formula.

Regardless whether John's sentence is computed on the basis of the BOP's interpretation of 18 U.S.C. § 3624(b) or his own, John's release is not imminent. In light of the "temporally distant and speculative nature of [John's] claim," he has failed to establish an "immediate injury" that would be redressed by the relief that he seeks. Sample v. Morrison, 406 F.3d 310, 312 (5th Cir. 2005). Accordingly, we conclude that John's 28 U.S.C. § 2241 petition is not ripe for review and dismiss the appeal for lack of subject matter jurisdiction.

APPEAL DISMISSED.