

August 28, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-10433
Conference Calendar

WARREN N. ROSSIN,

Petitioner-Appellant,

versus

COLE JETER, Warden, FMC Fort Worth,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:04-CV-867-Y

Before DAVIS, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

Warren N. Rossin, federal prisoner # 87985-022, is serving a 240-month sentence for conspiracy to distribute marijuana.

Rossin 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).

Rossin contends that the BOP formula reduces his sentence by only 46 days of good-time credit for each year served, rather than the 54 days of credit specified by § 3624(b). Rossin argues

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

that, although he is statutorily entitled to 1080 days of credit against his sentence for good behavior, he will receive only 941 days of sentence credit under the BOP formula.

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

APPEAL DISMISSED.