

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-8798
Conference Calendar

GEORGE A. DAY,

Petitioner-Appellant,

versus

SAL SEANEZ, Warden,
Federal Prison Camp,
Ft. Biggs Army Air Base,
El Paso, Texas,

Respondent-Appellee.

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Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-93-CA-251-B
- - - - -

(May 18, 1994)

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

PER CURIAM:*

George Day argues that he is not required to exhaust the Bureau of Prisons' administrative procedure because his challenge to the Bureau of Prisons' failure to account properly for "good time" credits earned during his incarceration concerns the "legality of [his] confinement." After a district court has sentenced a federal offender, the Bureau of Prisons has the responsibility for administering the sentence. United States v.

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Wilson, ___ U.S. ___, 112 S.Ct. 1351, 1355, 117 L.Ed.2d 593 (1992). The calculation and the application of credits for time served are determinations within the Bureau of Prisons' administrative purview. Id. "Federal regulations have afforded prisoners administrative review of the computation of their credits . . . and prisoners have been able to seek judicial review of these computations after exhausting their administrative remedies." Id. See United States v. Dowling, 962 F.2d 390, 393 (5th Cir. 1992) (exhaustion of administrative remedies is prerequisite to judicial review of credit for time spent in presentence detention); see also Rourke v. Thompson, 11 F.3d 47, 49 (5th Cir. 1993) ("[G]rievances of prisoners concerning prison administration should be presented to the Bureau [of Prisons] through the available administrative channels. Only after such remedies are exhausted will the court entertain the application for relief in an appropriate case") (internal quotations omitted). Moreover, the exhaustion-of-administrative-remedies doctrine requires that a complainant first pursue all prescribed administrative remedies which might provide appropriate relief before seeking relief from the federal courts. Smith v. Thompson, 937 F.2d 217, 219 (5th Cir. 1991) (internal quotation and citation omitted). Day concedes that he did not exhaust all available administrative relief through the Bureau of Prisons prior to bringing his § 2241 petition in the district court; accordingly, the district court properly dismissed the petition.

AFFIRMED.