

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-11430
Summary Calendar

WILLARD THOMASON,

Petitioner-Appellant,

versus

ROBERT GUZIK, Warden Federal Medical Center,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:99-CV-357-P

July 11, 2000

Before SMITH, BARKSDALE, and PARKER, Circuit Judges.

PER CURIAM:*

Willard Thomason, federal prisoner No. 15433-008, appeals the district court's dismissal of his 28 U.S.C. § 2241 petition for failure to exhaust his administrative remedies with the Bureau of Prisons (BOP). Thomason moves this court for permission to file a traverse out of time, to supplement the record, for a declaratory judgment, and for permission to file a supplemental reply brief. We GRANT the motions to file a traverse and to supplement the record and DENY the motions for a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

declaratory judgment and permission to file a supplemental reply brief.

Thomason argues that the BOP has wrongfully denied him credit on his federal sentence for time served in the custody of the State of Ohio. A federal prisoner must "exhaust his administrative remedies before seeking habeas relief in federal court under 28 U.S.C. § 2241." Fuller v. Rich, 11 F.3d 61, 62 (5th Cir. 1994); see Rourke v. Thompson, 11 F.3d 47, 49 (5th Cir. 1993). Thomason does not dispute that he failed to exhaust his administrative remedies with the BOP prior to seeking § 2241 relief in the district court. United States v. Wilson, 503 U.S. 329, 331-35 (1992); see 28 C.F.R. §§ 542.10-542.18. As he has failed to demonstrate extraordinary circumstances which would warrant a waiver of the exhaustion requirement, we AFFIRM the district court's dismissal of the petition for failure to exhaust administrative remedies. See Fuller, 11 F.3d at 62.

AFFIRMED. MOTIONS TO FILE TRAVERSE OUT OF TIME AND TO SUPPLEMENT THE RECORD GRANTED. MOTIONS FOR DECLARATORY JUDGMENT AND TO FILE SUPPLEMENTAL REPLY BRIEF DENIED.