

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

March 18, 2008

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No. 07-30618  
Summary Calendar

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Charles R. Fulbruge III  
Clerk

JOHN PAUL ROTH

Petitioner-Appellant

v.

JOE P YOUNG

Repondent-Appellee

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 2:06-CV-688

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Before JONES, Chief Judge, and REAVLEY and PRADO, Circuit Judges.

PER CURIAM:\*

John Paul Roth, federal prisoner # 76094-079, appeals the dismissal of his 28 U.S.C. § 2241 habeas corpus petition. Roth is currently serving a 264-month prison sentence imposed by the Southern District of Texas for conspiracy to possess with intent to distribute marijuana and conspiracy to launder monetary instruments. The sentence was to run concurrently with a previously imposed Texas state sentence of 20 years in prison for possession of a controlled substance and possession of marijuana. Roth argues that the district court erred

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

in not properly applying U.S.S.G. § 5G1.3(b) to adjust his sentence and that the Bureau of Prisons (BOP) has not properly credited him with time served.

Whether the district court should have reduced his sentence pursuant to § 5G1.3(b) is an issue that challenges the correctness of Roth's sentence; therefore, Roth is not entitled to proceed under § 2241. See *Jeffers v. Chandler*, 253 F.3d 827, 830 (5th Cir. 2001). Roth is not entitled to relief on the remaining issues because he has failed to exhaust his administrative remedies through the BOP as required. See *Rourke v. Thompson*, 11 F.3d 47, 49 (5th Cir. 1993).

AFFIRMED.