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Betancourt v. Bur Prisons

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 05-2150

FRANCISCO J. BETANCOURT,
Appellant

v.

BUREAU OF PRISONS

On Appeal From the United States District Court
For the District of New Jersey
(D.C. Civ. No. 05-cv-00045)
District Judge: Honorable Garrett E. Brown, Jr.

Submitted For a Determination of Whether a Certificate of Appealability is Necessary,
and for Possible Summary Action Under Third Circuit LAR 27.4 and I.O.P. 10.6
October 6, 2005

Before: SLOVITER, MCKEE and FISHER, Circuit Judges.

(Filed: October 31, 2005)

OPINION

PER CURIAM

Francisco J. Betancourt appeals from an order of the United States District Court for the District of New Jersey, denying his petition for habeas corpus. In his petition, Betancourt argued that the Bureau of Prisons (BOP) was miscalculating his “good time

credits” pursuant to 18 U.S.C. § 3624(b). Betancourt argued that the BOP incorrectly based its calculations on the number of days actually served rather than the length of the sentence imposed.

We recently addressed the identical arguments in O’Donald v. Johns, 402 F.3d 172 (3d Cir. 2005). We concluded, as did the District Court here, that the BOP’s interpretation of the statute, which utilizes a formula based on the time actually served, is reasonable. We therefore will affirm the District Court’s order.¹

¹ To the extent a certificate of appealability is necessary, it is hereby denied.