

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-2652

Kamal K. Patel,

Appellant,

v.

Linda Sanders, Warden, FCI, Forrest
City, AR,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.
[UNPUBLISHED]

Submitted: May 5, 2006
Filed: May 11, 2006

Before WOLLMAN, HANSEN, and COLLOTON, Circuit Judges.

PER CURIAM.

Federal inmate Kamal K. Patel appeals from the district court's¹ dismissal of his 28 U.S.C. § 2241 petition, in which he challenged the method by which the Bureau of Prisons (BOP) calculated his good-conduct time under 18 U.S.C. § 3624(b)(1). We reject Patel's arguments. See Bernitt v. Martinez, 432 F.3d 868, 869 (8th Cir. 2005) (per curiam) (§ 3624(b) is ambiguous and BOP's calculation of good-conduct time,

¹The Honorable Henry L. Jones, Jr., United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

based on time actually served, is reasonable interpretation of § 3624(b); court will not resort to rule of lenity when ambiguity of statute can be otherwise resolved); Perez-Olivo v. Chavez, 394 F.3d 45, 47, 52 n.6 (1st Cir. 2005) (BOP's time-served interpretation, embodied in 28 C.F.R. § 523.20, was adopted pursuant to notice-and-comment procedure and is entitled to deference).

Accordingly, the judgment is affirmed. We also grant counsel's motion to withdraw and deny as moot Patel's motion to transfer.
