

United States Court of Appeals
For the Eighth Circuit

No. 23-1025

Phoumara Todd Sok

Petitioner - Appellant

v.

B. Eischen, FPC--Duluth Warden

Respondent - Appellee

Appeal from United States District Court
for the District of Minnesota

Submitted: July 27, 2023

Filed: August 17, 2023

[Unpublished]

Before COLLOTON, SHEPHERD, and KOBES, Circuit Judges.

PER CURIAM.

Phoumara Sok appeals the district court's¹ denial of his 28 U.S.C. § 2241 petition seeking to compel the Bureau of Prisons (BOP) to allow him to earn First Step Act (FSA) time credits. In 2014, Sok pleaded guilty to three offenses and was sentenced to three consecutive sentences, including a 60-month sentence for using and carrying a firearm during and in relation to a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i). The BOP aggregated his sentences and determined he was ineligible to earn FSA credits based on his section 924(c) conviction. See 18 U.S.C. § 3632(d)(4)(D)(xxii). Sok argues that he has completed his sentence for the section 924(c) offense and is therefore eligible to earn FSA credits against his other two sentences.

Upon careful review, we conclude that the district court did not err in denying Sok's petition, as the BOP correctly treated his prison terms as a single aggregated sentence for all 3 offenses, and therefore properly denied him FSA credits. See 18 U.S.C. § 3584(c) (multiple terms of imprisonment ordered to run consecutively or concurrently shall be treated for administrative purposes as a single, aggregate term of imprisonment); Spencer v. Haynes, 774 F.3d 467, 469 (8th Cir. 2014) (de novo review of dismissal of § 2241 petition).

Accordingly, we deny Sok's pending motion to hold the appeal in abeyance, and we affirm. See 8th Cir. R. 47B.

¹The Honorable Eric C. Tostrud, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Leo I. Brisbois, United States Magistrate Judge for the District of Minnesota.