

FILED: April 27, 2017

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7425
(1:16-cv-00141-LMB-IDD)

TONY LAMONT JONES

Petitioner - Appellant

v.

ERIC D. WILSON

Respondent - Appellee

J U D G M E N T

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

TONY LAMONT JONES,

Petitioner,

v.

ERIC D. WILSON,

Respondent.

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1:16-cv-141 (LMB/IDD)

ORDER

Before the Court is respondent Eric Wilson's ("respondent" or "Wilson") Motion for Summary Judgment [Dkt. No. 8], in which he argues that summary judgment should be granted in his favor because the sole ground for relief petitioner Tony Lamont Jones ("petitioner" or "Jones") raises in his Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 [Dkt. No. 1] ("§ 2241 petition") is foreclosed by undisputed facts. Mem. in Supp. of Resp.'s Mot. for Summ. J. [Dkt. No. 8] ("Wilson Mem."). Jones has filed an opposition to this motion, see Opp'n to Resp.'s Mot. for Summ. J. [Dkt. No. 9] (Jones' Opp'n") to which Wilson has responded. See Reply Mem. of Law in Supp. of Resp.'s Mot. for Summ. J. [Dkt. No. 11] ("Reply"). For the reasons explained below, Wilson's motion will be granted.

Jones is a federal inmate, proceeding pro se, who was ultimately sentenced to 360 months of confinement after being convicted of distribution of crack cocaine and conspiracy to distribute crack cocaine. Jury Verdict, United States v. Jones, No. 2:97-cr-102-001 (Oct. 8, 1997 E.D. Va.); Order, Jones, No. 2:97-cr-102-001 (Aug. 28, 2015 E.D. Va.) (reducing sentence from two consecutive life sentences to 360 months upon Jones' motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)). After filing several other unsuccessful permutations of habeas petitions since

his conviction, on February 10, 2016, Jones filed the instant § 2241 petition. The § 2241 petition raises one ground, an argument that the Bureau of Prisons ("BOP") has incorrectly maintained its financial accountings and that Jones has purportedly satisfied a fine that should somehow excuse him from serving the remainder of his custodial sentence.

As Wilson has accurately enunciated in his pleadings, Jones' sentence never included any fine, see J. in a Crim. Case, Jones, No. 2:97-cr-102-001 (Jan. 29, 1998 E.D. Va.) (explicitly stating that "[n]o fines have been imposed in this case"), and in any event, his sentence could not be lengthened or shortened because of any fine. Wilson Mem. 8-9. Furthermore, the BOP's alleged failure to document Jones' purported payment of this nonexistent fine has no bearing whatsoever on his sentence. For these reasons, as well as those articulated by Wilson in his Memorandum in Support, Wilson's Motion for Summary Judgment [Dkt. No. 8] is GRANTED, and it is hereby

ORDERED that Jones' Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 be and is DISMISSED.

To appeal this decision, Jones must file within sixty (60) days of the date of this Order a written Notice of Appeal with the Clerk of Court. A written Notice of Appeal is a short statement stating a desire to appeal an order and noting the date of the order petitioner wants to appeal. Petitioner need not explain the grounds for appeal until so directed by the Court. Failure to file a timely Notice of Appeal waives petitioner's right to appeal this decision.

The Clerk is directed to forward copies of this Order to counsel of record and to petitioner pro se.

Entered this 31st day of August, 2016.

Alexandria, Virginia

/s/ 
Leonie M. Brinkema
United States District Judge

FILED: July 3, 2017

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Petitioner - Appellant

v.

ERIC D. WILSON

Respondent - Appellee

ORDER

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Motz, Judge Shedd and
Judge Thacker.

For the Court

/s/ Patricia S. Connor, Clerk

**Additional material
from this filing is
available in the
Clerk's Office.**