No. 25-818

In the Supreme Court of the United States

TERRELL ANTHONY HARGROVE, PETITIONER

v.

IAN HEALY, WARDEN

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

BRIEF FOR THE RESPONDENT IN OPPOSITION

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QUESTION PRESENTED

Whether time credits earned under the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194, can be applied under 18 U.S.C. 3632(d)(4)(C) to reduce a term of supervised release.

ADDITIONAL RELATED PROCEEDINGS

United States District Court (E.D. Va.):

United States v. *Hargove*, No. 06-cr-26 (July 11, 2006)

United States v. *Hargove*, No. 18-cr-1 (May 29, 2018)

United States District Court (N.D. Ohio):

Hargrove v. *Healy*, No. 23-cv-1857 (Aug. 28, 2024)

United States Court of Appeals (4th Cir.):

United States v. *Hargrove*, Nos. 20-7709 & 20-7726 (Mar. 29, 2022)

United States v. *Hargrove*, No. 18-4395 (Dec. 26, 2018)

United States v. *Hargrove*, No. 14-6314 (Aug. 25, 2014)

United States Court of Appeals (6th Cir.):

Hargrove v. *Healy*, No. 24-3809 (Sept. 10, 2025)

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OPINIONS BELOW

The opinion of the court of appeals (Pet. App. 1a-26a) is reported at 155 F.4th 530. The memorandum of opinion and order of the district court (Pet. App. 27a-38a) is available at 2024 WL 3992261.

JURISDICTION

The judgment of the court of appeals was entered on September 10, 2025. On December 3, 2025, Justice Kavanaugh extended the time within which to file a petition for a writ of certiorari to and including January 8, 2026, and the petition was filed on that date. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT

Following a guilty plea in the United States District Court for the Eastern District of Virginia, petitioner was convicted on one count of conspiring to distribute

and possess with intent to distribute cocaine base, in violation of 21 U.S.C. 846, and one count of possessing a firearm in furtherance of a drug-trafficking crime, in violation of 18 U.S.C. 924(c). Pet. App. 28a. He was sentenced to 144 months of imprisonment, to be followed by five years of supervised release. *Ibid.* Petitioner subsequently violated his supervised release and was ordered to serve 12 months of reimprisonment, to be followed by four years of supervised release. *Id.* at 29a. After discharging his term of confinement, petitioner again violated his supervised release and pleaded guilty to distributing heroin, in violation of 21 U.S.C. 841(a)(1). *Ibid.* Petitioner was sentenced to 46 months of imprisonment, to be followed by five years of supervised release, on the heroin-distribution conviction, and ordered to serve a consecutive term of 57 months of imprisonment for the supervised-release violation. *Ibid.*

In 2023, petitioner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. 2241 in the United States District Court for the Northern District of Ohio. 23-cv-1857 D. Ct. Doc. No. 1 (Sept. 25, 2023). The district court dismissed the petition. Pet. App. 27a-38a. The court of appeals dismissed petitioner's appeal as moot. *Id.* at 1a-26a.

1. In November 2005, a confidential source told law enforcement that he had observed petitioner in possession of cocaine and two semiautomatic pistols. 06-cr-25 Presentence Investigation Report (PSR) at 4. Officers obtained a search warrant and, in petitioner's presence, retrieved a 9mm Glock firearm and 17.7 grams of cocaine base from petitioner's safe. *Ibid.*

A grand jury in the Eastern District of Virginia indicted petitioner on one count of conspiring to distribute and possess with intent to distribute cocaine base,

in violation of 21 U.S.C. 846; one count of possessing a firearm in furtherance of a drug-trafficking crime, in violation of 18 U.S.C. 924(c); and one count of possessing a firearm following a felony conviction, in violation of 18 U.S.C. 922(g)(1). U.S. C.A. Br. at 3, *United States* v. *Hargrove*, 30 F.4th 189 (4th Cir. 2022) (No. 20-7709) (U.S. *Hargrove* Br.).

Petitioner pleaded guilty to the first two counts. 06-cr-26 D. Ct. Doc. 19, at 1 (E.D. Va. July 11, 2006). The district court sentenced petitioner to 144 months of imprisonment, to be followed by five years of supervised release. *Id.* at 2-3. His term of imprisonment was subsequently reduced to 120 months, 06-cr-26 D. Ct. Doc. 35 (E.D. Va. Jan. 5, 2012), and he was released from prison and began discharging his supervised release in July 2015, U.S. *Hargrove* Br. 3.

2. In November 2015, petitioner committed two violations of his supervised release: criminal assault and battery against a family member, and simple criminal assault. See 06-cr-26 D. Ct. Doc. 61, at 1 (E.D. Va. Dec. 1, 2025). The district court revoked petitioner's supervised release and required him to serve 12 months of reimprisonment, to be followed by a new four-year term of supervised release. *Ibid.* He was released from prison and began serving his term of supervised release in November 2016. U.S. *Hargrove* Br. 4.

3. In September 2017, while on supervised release, petitioner completed multiple heroin sales to a confidential source. 18-cr-1 D. Ct. Doc. 21, at 1-4 (E.D. Va. Feb. 26, 2018). Petitioner was arrested with approximately 5 grams of heroin on his person. U.S. *Hargrove* Br. 5. Police later recovered 3.6 grams of methamphetamine from petitioner's bedroom, along with pills suspected to be narcotics, apparent marijuana, and two

firearm magazines. *Ibid.* The Probation Office filed a petition to show cause why petitioner's supervised release should not again be revoked. 06-cr-26 D. Ct. Doc. 63 (E.D. Va. Dec. 21, 2017).

In addition to the supervised-release proceedings, a grand jury in the Eastern District of Virginia indicted petitioner on three counts of distributing heroin, in violation of 21 U.S.C. 841(a)(1) and (b)(1)(C). 18-cr-1 D. Ct. Doc. 21 (E.D. Va. Jan. 9, 2018). Petitioner pleaded guilty to the first of those counts. 18-cr-1 D. Ct. Doc. 34, at 1 (E.D. Va. May 29, 2018).

The district court held a joint proceeding to sentence petitioner for his new conviction and consider revocation of his supervised release from his 2006 convictions. See 06-cr-26 D. Ct. Doc. 70 (E.D. Va. May 25, 2018). The court sentenced petitioner to 46 months of imprisonment (later reduced to 41 months, see Pet. App. 29a), to be followed by five years of supervised release, for the new heroin-distribution offense. 18-cr-1 D. Ct. Doc. 34, at 1-3 (E.D. Va. May 29, 2018). The court also revoked the supervised release that petitioner was serving for his 2006 cocaine and firearm convictions and ordered 57 months of imprisonment, to be served consecutively to the heroin-distribution sentence. 06-cr-26 D. Ct. Doc. 71, at 1 (E.D. Va. May 29, 2018).[1]

4. In September 2023, while incarcerated at the Federal Correctional Institution (FCI) in Elkton, Ohio, petitioner filed a pro se motion for a writ of habeas corpus under 28 U.S.C. 2241 in the United States District Court for the Northern District of Ohio. 23-cv-1857 D.

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[1] The district court subsequently denied petitioner's motion for compassionate release under 18 U.S.C. 3582(c)(1)(A)(i), and the court of appeals affirmed. See *United States* v. *Hargrove*, 30 F.4th 189 (4th Cir. 2022).

Ct. Doc. 1 (Sept. 25, 2023); Pet. App. 30a. Petitioner claimed that the Bureau of Prisons (Bureau or BOP) was erroneously denying time credits that he claimed to have earned under the First Step Act of 2018 (FSA), Pub. L. No. 115-391, 132 Stat. 5194 (codified in relevant parts at 18 U.S.C. 3624(g), 3631-3635). Pet. App. 30a.

The district court appointed counsel for petitioner and, after briefing, dismissed the petition on two grounds. Pet. App. 27a-38a. First, the court determined that petitioner had failed to exhaust his administrative remedies. *Id.* at 32a-33a. Second, the court deemed petitioner ineligible for FSA time credits under 18 U.S.C. 3632(d)(4)(D) because he was serving a sentence for a Section 924(c) firearm offense. Pet. App. 33a-37a. The court noted petitioner's concession that his 2006 Section 924(c) conviction was one of the disqualifying offenses enumerated in Section 3632(d)(4)(D). Pet. App. 34a. And the court rejected petitioner's contention that he could nevertheless earn time credits for the portion of his custodial sentence relating to his 2018 heroin-distribution conviction rather than the 2006 firearms conviction. *Ibid.* The court explained that the Bureau's administrative "aggregation" of petitioner's consecutive terms of imprisonment on those offenses was required under 18 U.S.C. 3584(c), which provides that "multiple terms of imprisonment ordered to run consecutively or concurrently *shall* be treated for administrative purposes as a single, aggregate term of imprisonment." Pet. App. 37a (emphasis added by the court); see *id.* at 36a (citing cases from other courts adopting the same reading). Accordingly, the court concluded that petitioner is ineligible to receive time credits under the FSA. *Id.* at 37a.

5. The court of appeals dismissed petitioner's appeal in the habeas proceeding as moot. Pet. App. 1a-26a.

While petitioner's appeal was pending, he was released from BOP custody and began serving the term of supervised release stemming from his heroin-distribution conviction. *Id.* at 2a; Gov't C.A. Br. 4. The court concluded that the case was moot because, even if the district court erred in its assessment of petitioner's time-credit eligibility, petitioner could not obtain effectual relief following his release from BOP custody, as time credits under 18 U.S.C. 3632(d)(4)(C) cannot reduce a term of supervised release. Pet. App. 11a.

a. Section 3632(d)(4)(C) provides that "[t]ime credits earned under this paragraph by prisoners who successfully participate in recidivism reduction programs or productive activities shall be applied toward time in prerelease custody or supervised release. The Director of [BOP] shall transfer eligible prisoners, as determined under section 3624(g), into prerelease custody or supervised release." 18 U.S.C. 3632(d)(4)(C). Petitioner contended that FSA time credits should be applied to reduce his term of supervised release, while the government contended that such credits could reduce only a term of incarceration—and thereby accelerate petitioner's "transfer * * * into prerelease custody or supervised release," *ibid.*—but not reduce the noncarceral portions of his sentence, Pet. App. 4a.

b. The court of appeals agreed with the government's interpretation. The court explained that dictionary definitions of the word "toward" could support either reading, as "toward" can mean "[i]n the direction of" or "[i]n furtherance or partial fulfillment of." Pet. App. 5a (citation omitted). But the court found the statutory context dispositive: Specifically, the second sentence of Section 3632(d)(4)(C) directs the Bureau to transfer "eligible" prisoners under Section 3624(g) *into*

prerelease custody or supervised release, which "presume[s] incarceration." *Id.* at 5a-6a. Indeed, the court explained, "it's not even clear that the BOP Director would have anything to do with someone who is already on supervised release" because Section 3624(e) provides that prisoners sentenced to a term of supervised release "shall be released by the Bureau of Prisons to the supervision of a probation officer." *Id.* at 6a.

Further, the court of appeals reasoned, Section 3632(d)(4)(C) limits such relief to prisoners eligible under 18 U.S.C. 3624(g)(1)(A), a group comprising prisoners who have "earned time credits * * * in an amount that is equal to the remainder of the prisoner's imposed term of imprisonment." Pet. App. 7a. And Section 3624(g)(3) provides that, if a prisoner is sentenced to a term of supervised release, "the Director of [BOP] may transfer the prisoner to begin any such term of supervised release at an earlier date, not to exceed 12 months, based on the application of time credits under section 3632." 18 U.S.C. 3624(g)(3). Thus, as the court explained, "the time credits help a prisoner to *start* his term of supervised release at an earlier date, not *end* his term of supervised release" before that full term has been discharged. Pet. App. 7a. The provisions together make clear that "when a prisoner earns time credits 'toward' supervised release, he is moving 'in the direction' of supervised release; the credits are not in partial fulfillment of his supervised-release term." *Ibid.*

Finally, the court of appeals identified "plenty of caselaw" supporting its conclusion, including the Eleventh Circuit's decision in *Guerriero* v. *Miami RRM*, No. 24-10337, 2024 WL 2017730 (May 7, 2024) (per curiam), as well as numerous district-court decisions. Pet. App. 7a-8a (collecting cases). The court acknowledged

that a handful of district courts had reached a contrary conclusion, but it concluded that their analysis conflicts with Section 3624(g)(3) or fails to read the statutory provisions together. *Id.* at 8a-10a.

Because a ruling in petitioner's favor as to his eligibility to receive FSA time credits "would not change his supervised-release status or remaining time on supervised release," the court of appeals deemed petitioner's appeal moot. Pet. App. 11a. The court thus did not address the merits of his aggregation objection or whether his petition was subject to dismissal because he had failed to exhaust administrative remedies. *Ibid.*

c. Judge Moore dissented. Pet. App. 12a-26a. She understood Section 3632(d)(4)(C) to be "ambiguous" and would therefore have relied on other statutes using the word "toward" to reduce service of sentences. *Id.* at 15a-22a (citing 18 U.S.C. 3585(b), 3624(b)). In reaching that conclusion, Judge Moore largely agreed with the reasoning of the district court in *Rivera-Perez* v. *Stover*, 757 F. Supp. 3d 204 (D. Conn. 2024), which is presently pending before the Second Circuit, No. 25-149 (argued Nov. 25, 2025). See Pet. App. 22a-23a.

ARGUMENT

Petitioner renews (Pet. 16-26) his contention that time credits accumulated under the First Step Act may be used to reduce not only a period of incarceration but also a subsequent term of supervised release. The court of appeals correctly rejected that contention and, in so doing, agreed with nearly all appellate decisions to have addressed the issue. Although the Ninth Circuit has held otherwise, this Court's review is unwarranted at this juncture because the conflict remains shallow and lopsided. In any event, petitioner's case would be an unsuitable vehicle in which to consider the question pre-

sented because petitioner's own sentence stems in part from a firearms conviction that renders him ineligible for FSA time credits. The petition should be denied.

1. The FSA created a new system of time credits that BOP inmates can earn by participating in recidivism-reduction programming and other productive activities. 18 U.S.C. 3632(d)(4). A prisoner is not eligible to receive those time credits if he is "serving a sentence for a conviction under" certain laws, including 18 U.S.C. 924(c). 18 U.S.C. 3632(d)(4)(D)(xxii). For prisoners eligible to earn time credits, the FSA provides that such credits "shall be applied toward time in prerelease custody or supervised release." 18 U.S.C. 3632(d)(4)(C). The FSA then specifies how those credits are to be applied: "The Director of [BOP] shall transfer eligible prisoners, as determined under section 3624(g), into prerelease custody or supervised release." *Ibid.* Section 3624(g), in turn, defines "eligible prisoners" as those who have (1) accrued time credits "in an amount that is equal to the remainder of the prisoner's imposed term of imprisonment"; (2) "shown through the periodic risk reassessments a demonstrated recidivism risk reduction or * * * maintained a minimum or low recidivism risk, during the prisoner's term of imprisonment"; (3) had the remainder of their "imposed term of imprisonment computed under applicable law"; and (4) been determined "to be a minimum or low risk to recidivate." 18 U.S.C. 3624(g)(1).

a. The court of appeals correctly held that FSA time credits may be applied to accelerate the beginning—but not lessen the total term—of supervised release. As the court recognized, and petitioner does not dispute, the word "toward" can mean either "[i]n the direction of" or "[i]n furtherance or partial fulfillment of." Pet. App. 5a

(quoting *American Heritage Dictionary of the English Language* 1838 (5th ed. 2018)); see *Black's Law Dictionary* 1795 (11th ed. 2019) ("in the direction of; on a course or line leading to (some place or something)"). Thus, as Judge Moore acknowledged in dissent, "the plain language" of Section 3632(d)(4)(C)'s first sentence, taken in isolation, does not resolve the question. Pet. App. 14a.

The surrounding statutory provisions, however, make clear that "toward" in Section 3632(d)(4)(C) means "in the direction of." The second sentence of Section 3632(d)(4)(C) specifies *how* the earned time credits are to be applied by expressly directing BOP to "transfer" eligible prisoners into prerelease custody or supervised release. Accord 18 U.S.C. 3624(g)(3) (BOP "may transfer the prisoner to begin any such term of supervised release at an earlier date, not to exceed 12 months, based on the application of time credits under section 3632."). The statute thus presumes that, to be eligible for the application of time credits, the prisoner must be in BOP custody, rather than already serving a term of supervised release. Indeed, the FSA provides no mechanism by which the Bureau would be able to reduce a term of supervised release, which is separately administered by the Probation Office *after* BOP has released the prisoner from its custody. 18 U.S.C. 3624(e) ("A prisoner whose sentence includes a term of supervised release after imprisonment shall be released by the Bureau of Prisons to the supervision of a probation officer.").

Moreover, the FSA describes the "purposes of this subchapter"—about time credits as part of a system to assess and reduce the risks of recidivism for many federal prisoners—as including the "savings associated with * * * the *transfer* of prisoners into prerelease custody or supervised release." 18 U.S.C. 3634(6)(A) (em-

phasis added); see 18 U.S.C. 3632(a)(7) (requiring the system to be used to "determine when a prisoner is ready to transfer into prerelease custody or supervised release"). Notably, the FSA did not refer to a *reduction* of time in supervised release, and it did not amend 18 U.S.C. 3583(e), which governs the "modification" of a supervised-release term.

b. Echoing the dissent in the decision below, Pet. App. 23a-24a, petitioner resists that conclusion by contending (Pet. 32) that the first and second sentences of Section 3632(d)(4)(C) must be understood as conferring independent benefits, with the first providing for time reductions and the second permitting early transfers. That reading, however, fails to respect the carefully crafted limits that Congress imposed on sentence reductions in the FSA. Because the first sentence does not require that the prisoner satisfy the eligibility requirements in Section 3624(g)—including that the prisoner demonstrate a minimum or low recidivism risk—petitioner's reading would allow medium- and high-risk offenders to use time credits to reduce their terms of supervised release. The first sentence also does not contain the 12-month limit in Section 3624(g)(3) and thus, on petitioner's reading, could be used to eliminate *in toto* a multiyear term of supervised release imposed in the judgment. But this Court has explained that "[s]upervised release fulfills rehabilitative ends, distinct from those served by incarceration," and, "unlike incarceration, provides individuals with postconfinement assistance."). *United States* v. *Johnson*, 529 U.S. 53, 59-60 (2000). Preserving the term of supervised release is therefore consistent with the FSA's overarching purpose of developing a risk and needs assessment system that will "be effective in reducing recidivism" and be "designed

to help prisoners succeed in their communities upon release from prison." 18 U.S.C. 3635(3)(A) and (B).

Petitioner's interpretation would also make little sense as applied to prerelease custody, a lesser form of incarceration that includes such placement options as residential reentry centers and home confinement. See 18 U.S.C. 3624(g)(1). Because prerelease custody carries less onerous restrictions than confinement in a federal correctional institution (and is thus desirable from the prisoner's perspective), prisoners seek to maximize, not reduce, the portion of their terms of imprisonment that can be spent in that status. Accordingly, earlier transfer from traditional confinement to prerelease custody is one of the key benefits that prisoners can earn under the FSA. See *ibid.* On petitioner's reading of the word "toward," however, the first sentence of Section 3632(d)(4)(C) would provide that earned time credits "shall be applied" to *reduce the amount of*, not *accelerate the start of*, "time in prerelease custody." That is not a sensible construction of the statutory language.

Finally, petitioner invokes (Pet. 27-29) other statutes using the word "toward" in related contexts. Accord Pet. App. 19a-20a (Moore, J., dissenting). In each of those provisions, however, Congress referred to "credit toward *the service of*" a prisoner's overall sentence or term of imprisonment. See 18 U.S.C. 3624(a), 3624(b)(1), 3585(b), 4105(b) (emphasis added). Section 3632(d)(4)(C), by contrast, does not use the phrase "service of," but instead states that the time credits shall be "applied toward time in" prerelease custody or supervised release—indicating that, here, Congress was using "toward" in its temporal, not compensatory, sense. Moreover, as the court of appeals pointed out, those other "statutes have the same meaning no matter which defi-

nition of 'toward' [is] use[d]," Pet. App. 10a, as the credits discussed therein bring forward in time the completed "service of" the referenced sentences.[2]

2. The shallow circuit conflict on the question presented does not warrant this Court's review at this juncture. The Ninth Circuit reached a contrary result in *Gonzalez* v. *Herrera*, 151 F.4th 1076, 1080-1090 (2025), but petitioner identifies no other court of appeals that has adhered to that outlying decision. The Fourth and Eleventh Circuits have adopted the same interpretation as the court below, albeit in unpublished dispositions. See *United States* v. *Malik*, No. 24-7073, 2025 WL 973003, at *1 (4th Cir. Apr. 1, 2025) (per curiam); *Guerriero* v. *Miami RRM*, No. 24-10337, 2024 WL 2017730, at *3 (11th Cir. May 7, 2024) (per curiam). And the Second Circuit recently heard oral argument on the question but has not yet issued a decision. See *Rivera-Perez* v. *Stover*, No. 25-149 (2d Cir.) (argued Nov. 25, 2025).[3] Given the shallow and lopsided nature of the circuit conflict and the ongoing percolation in the lower courts, this Court's intervention is not warranted at present.

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[2] Petitioner also contends (Pet. 30) that Congress could have used the phrase "toward the service of the *prisoner's sentence*" or "toward the service of a *term of imprisonment*" if it had intended that FSA time credits reduce only time in incarceration. But those alternatives do not achieve the same ends as the language Congress enacted because petitioner's proposed substitutions are not limited to incarceration but would instead include both incarceration and prerelease custody.

[3] Petitioner notes (Pet. 18) that three district courts in the Second Circuit have adopted his view, but those courts will be bound by the Second Circuit's forthcoming decision in *Rivera-Perez*. The only other case that petitioner identifies in support of his position is an unappealed district court order from North Dakota. See Doc. 51, at 4, *United States* v. *Mincey*, No. 18-cr-194 (D.N.D. Oct. 4, 2022).

Petitioner also overstates (Pet. 22-24) the frequency with which this question recurs. The issue of allowing time credits to offset noncarceral terms primarily arises in two scenarios: (1) when a prisoner has earned sufficient credits to be transferred into prerelease custody but that transfer is delayed, usually due to a lack of space at a residential reentry center; and (2) when a prisoner continues to earn time credits following his transfer into prerelease custody. The Bureau has addressed the first situation by expanding the practice of applying FSA time credits to transfer prisoners into home confinement as soon as statutorily possible for any prisoners who do not require the structured support of a residential reentry center. See BOP, *Federal Bureau of Prisons Issues Directive to Expand Home Confinement, Advance First Step Act* (May 28, 2025), www.bop.gov/news/pdfs/20250528-home-confinement-expansioin.pdf. And because nearly all of the qualifying recidivism-reduction programs are offered *within* BOP institutions rather than at residential reentry centers (or in prisoners' personal residences, for those on home confinement), few prisoners would be able to accumulate time credits while on pretrial release. See generally BOP, *First Step Act Approved Programs Guide* (Aug. 2025), www.bop.gov/inmates/fsa/docs/fsa-approved-program-guide.pdf?v=1.0.5.

3. In the event this Court were inclined to address the question presented at this time, petitioner's case would be an unsuitable vehicle in which to do so. As the district court correctly concluded, see Pet. App. 33a-37a, petitioner was statutorily ineligible to earn FSA time credits while serving an aggregate sentence for, *inter alia*, his Section 924(c) firearm conviction, see 18 U.S.C. 3632(d)(4)(D)(xxii).

In the court of appeals below, petitioner conceded that he is not eligible to earn time credits while discharging a sentence for his 2006 conviction under 18 U.S.C. 924(c). See Pet. C.A. Br. 15-16. And his current sentence so qualifies. In 2018, the district court conducted a joint proceeding in which it pronounced a single sentence on petitioner, comprising 57 months of reimprisonment for violating the supervised-release component of his sentence on his 2006 convictions (including his Section 924(c) conviction) and 46 months for his 2018 heroin-distribution conviction. See p. 4, *supra*. Congress has directed that "multiple terms of imprisonment ordered to run consecutively or concurrently shall be treated for administrative purposes as a single, aggregate term of imprisonment." 18 U.S.C. 3584(c). Accordingly, "every * * * circuit court to have considered the question" has held that a prisoner is not eligible to earn FSA time credits while serving an aggregate sentence that includes a penalty derived from a statutorily excluded offense. *Giovinco* v. *Pullen*, 118 F.4th 527, 533 (2d Cir. 2024), cert. denied, 145 S. Ct. 1947 (2025); see, *e.g.*, *Bonnie* v. *Dunbar*, 157 F.4th 610, 618 (4th Cir. 2025); *Martinez* v. *Rosalez*, No. 23-50406, 2024 WL 140438, at *3 (5th Cir. Jan. 12, 2024) (per curiam); *Keeling* v. *Lemaster*, No. 22-6126, 2023 WL 9061914, at *1 (6th Cir. Nov. 22, 2023) (per curiam); *Sok* v. *Eischen*, No. 23-1025, 2023 WL 5282709, at *1 (8th Cir. Aug. 17, 2023) (per curiam); *Teed* v. *Warden Allenwood FCI Low*, No. 23-1181, 2023 WL 4556726, at *2 (3d Cir. July 17, 2023) (per curiam). The district court therefore correctly determined that petitioner was not eligible to earn time credits under the FSA, and a reversal of the decision below would have no practical effect in this case.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

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