

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

KEENAN COFIELD, #326109
Petitioner,
v.

*

* CIVIL ACTION NO. CCB-06-697

FEDERAL BUREAU OF PRISONS, et al.
Respondents.

MEMORANDUM

On January 25, 2006, Keenan Cofield, who is currently confined in Maryland Division of Correction custody,¹ filed a 28 U.S.C. § 2241 petition with the United States District Court for the District of Columbia claiming that the U.S. Bureau of Prisons (“BOP”) failed to award him pre-trial credits under 18 U.S.C. § 3585. *See Cofield v. Bureau of Prisons, et al.*, Civil Action No. 06-0259 (D. D.C. 2006). On February 7, 2006, District Court Judge Ellen S. Huvelle found a lack of personal jurisdiction and directed that the case be transferred to this court. The matter was received for filing on March 16, 2006. Because he appears indigent, petitioner’s application to proceed in forma

¹ Although he is currently serving Maryland state sentences, the court observes that a four-count indictment was entered against petitioner in this court. *See United States v. Cofield*, Criminal No. MJG-04-099 (D. Md. 2004). On October 29, 2004, he signed a plea agreement, agreeing to plead guilty to one count of conspiracy to utter a forged or stolen U.S. Treasury check, in violation of 18 U.S.C. § 371. On May 16, 2005, Judge Marvin J. Garbis sentenced petitioner to a ten-month term in the U.S. Bureau of Prisons (“BOP”) with three years of supervised release and ordered him to pay a \$100.00 special assessment. *Id.* at Paper No. 66. On January 6, 2006, the United States Court of Appeals for the Fourth Circuit dismissed the appeal on the government’s motion to dismiss. The mandate was issued on January 30, 2006.

On June 17, 2005, petitioner filed a motion attacking the sentence imposed pursuant to 28 U.S.C. §§ 2241& 2255. *See United States v. Cofield*, Criminal No. MJG-04-099 (D. Md. 2004) at Paper No. 77. Judge Garbis concluded that petitioner was requesting that (i) his 10-month sentence run concurrent to any state sentences, (ii) the state award him credit against his state sentence for the period of time he was on home confinement on the federal charges, and (iii) the court advise the state that the court has no objection if the state would utilize the fact that petitioner was on home confinement for any purpose. *Id.* at Paper No. 85. On July 19, 2005, Judge Garbis denied the motion, holding that the 10-month sentence was to run as a consecutive, not current, sentence to any state sentence and indicating that he “will not purport to tell state authorities what they can or should do in regard to defendant Cofield’s state sentence or conditions of confinement.” *Id.*

pauperis shall be granted.

The court observes that on the very date that this petition was received for filing in the District Court for the District of Columbia, this court dismissed without prejudice an identical petition seeking the award of pre-trial credits. *See Cofield v. Federal Bureau of Prisons*, Civil Action No. CCB-05-3306 (D. Md. 2005). There, the court observed that under the statutory scheme of § 3585(b), pre-trial credits cannot be calculated by the BOP until a defendant actually commences serving his or her federal sentence, and a federal court may only conduct a § 3585(b) analysis of the disputed calculation under § 2241 once a defendant commences serving that sentence and has exhausted his or her administrative remedies. The undersigned concluded that because petitioner remains in state custody and had not yet commenced serving his federal conspiracy sentence, any credit determination would be premature.

Petitioner continues to serve his state sentences in Maryland Division of Correction custody. He has yet to begin to serve his federal sentence. Following the reasoning of the court in its earlier decision, his petition shall be dismissed without prejudice. A separate Order follows.

March 30, 2006

Date

/s/

Catherine C. Blake
United States District Judge