

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

CASE NO. 8:12-CR-347-T-17EAJ

ARAMI RODRIGUEZ.

_____ /

ORDER

This cause is before the Court on:

Dkt. 43 Petition for Jail Credit Pursuant to
Title 18 U.S.C. Sec. 3585 and Sec. 3568

Defendant Arami Rodriguez, pro se, requests the Court to grant Defendant's Petition, and award Defendant jail credit for time served concerning Defendant's federal and state convictions, pursuant to 18 U.S.C. Sec. 3585 and 3568. Defendant Rodriguez asserts that Defendant Rodriguez was first sentenced in Federal Court and later transferred to State Court; Defendant Rodriguez asserts that relief is warranted pursuant to 18 U.S.C. Sec. 3585(b)(2). Defendant Rodriguez states that Defendant Rodriguez's federal sentence is due to be completed on February 2, 2018, and the state term of imprisonment is due to expire on January 7, 2018, and runs concurrent to the federal sentence.

I. Background

Defendant Rodriguez was charged with a conspiracy to knowingly possess and possession of firearms which were not registered which began no later than November, 2010, and continued through February 9, 2011. (Dkt. 1, p. 1). Defendant Rodriguez was arrested on September 27, 2013, and was detained thereafter. (Dkts. 7, 8, 9).

Case No. 8:12-CR-247-T-17EAJ

Defendant Rodriguez entered into a plea agreement (Dkt. 29); Defendant Rodriguez was sentenced on June 17, 2014. (Dkt. 38). Defendant Rodriguez' sentence included 60 months of incarceration as to Count One of the Indictment with credit for time served to be calculated by the United States Bureau of Prisons, 36 months of supervised release, and a special assessment of \$100.00. (Dkt. 41). After sentencing, Defendant Rodriguez was remanded to the custody of the U.S. Marshal. (Dkt. 38). The Final Judgment was returned executed on September 9, 2014; Defendant was designated to D. Ray James Correctional Institution. (Dkt. 42).

In Case No. 2013-CF-014260-B-O, State of Florida v. Arami Rodriguez, Defendant Rodriguez was charged with Organized Fraud (More than \$300 but less than \$20,000), in violation of F.S. 817.034(4)(A)(3), and Counterfeiting Private Labels, in violation of F.S. 831.032(2). According to court records of Orange County Circuit Court, the offense date was January 6, 2011, the case was filed on October 18, 2013, Defendant was arraigned on July 23, 2014, and entered a plea and was sentenced on February 20, 2015.

The PSR notes that Case No. 2013-CF-014260 is a pending charge, and Defendant Rodriguez was arrested on October 21, 2013. The PSR further states:

On August 14, 2013, the Florida Department of Law Enforcement received a complaint suggesting that the defendant, as a representative of a company known as Alpha, Inc., was selling counterfeit Point Blank ballistic vests at gun and knife shows across Florida. During the subsequent investigation, testing of the vests confirmed that they were counterfeit. The investigation further revealed that the defendant and his co-defendants had fraudulently manufactured and sold numerous ballistic vests.

II. Discussion

At the time that Defendant Rodriguez was sentenced in this case, the Court provided in the Final Judgment that credit for time served is to be determined by the BOP. Defendant Rodriguez is seeking credit on his federal sentence for the time spent in state custody when Defendant was returned to state custody for sentencing after Defendant Rodriguez commenced serving the sentence in this case.

The Court notes that according to the Bureau of Prisons, Defendant Rodriguez is due to be released on February 15, 2018.

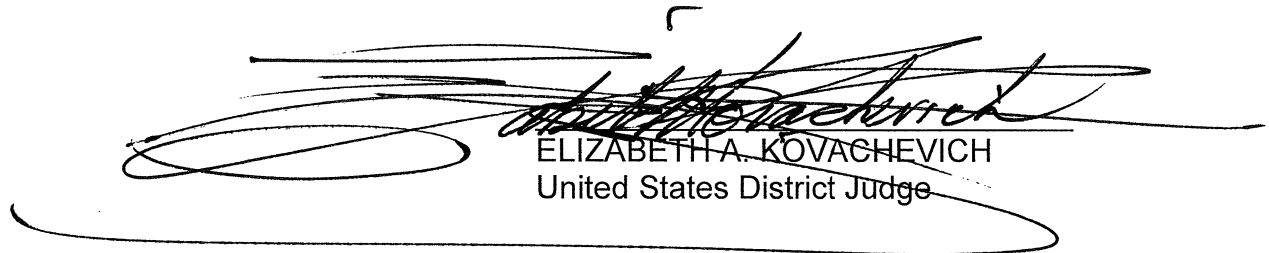
The Bureau of Prisons has established regulations governing formal review of inmate complaints relating to any aspect of imprisonment. These regulations set out the procedures that a Defendant in custody must pursue prior to seeking relief in Exhaustion of administrative remedies is jurisdictional.

Defendant Rodriguez has not established that Defendant Rodriguez has pursued the administrative remedies available; therefore, the Court does not have jurisdiction to consider Defendant's Petition for Jail Credit Time. Accordingly, it is

ORDERED that Defendant Arami Rodriguez's Petition for Jail Credit Time (Dkt. 43) is **denied without prejudice** for lack of jurisdiction. The Clerk of Court shall provide a copy of this Order to pro se Defendant.

Case No. 8:12-CR-247-T-17EAJ

DONE and ORDERED in Chambers in Tampa, Florida on this 6th day of February, 2018.



ELIZABETH A. KOVACHEVICH
United States District Judge

Copies to:
All parties and counsel of record

Arami Rodriguez
BOP Reg. No. 59409-018
Federal Satellite Low
2680 US HWY 301 South
Jesup, Georgia 31599