

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.: 2:19-cr-133-SPC-MRM

STEVEN USMA

ORDER¹

Before the Court is Defendant Steven Usma's Motion for Reconsideration for Additional Credit ([Doc. 175](#)), along with the Government's response in opposition ([Doc. 177](#)). The matter is ripe for review.

Earlier this year, the Court denied Usma's request for credit to his sentence because he failed to exhaust all administrative remedies before filing. ([Doc. 169](#)). Usma now claims such remedies have been exhausted and seeks reconsideration of the prior Order. ([Doc. 175](#)). The Motion, however, remains procedurally improper.

To achieve the remedy sought, Usma must file a civil habeas action against the Bureau of Prisons—not a motion in his original criminal action. The Eleventh Circuit is clear on this procedure. See *United States v. Berrio*, 428 F. App'x 944, 944 (11th Cir. 2011) ("A claim concerning credit for time

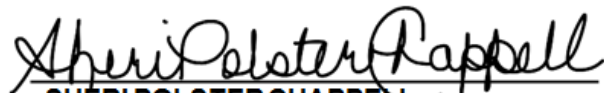
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served is not appropriate on direct appeal, and should be filed as a writ of habeas corpus pursuant to 28 U.S.C. § 2241, against the BOP.”). Because Usma didn’t follow this procedure, his motion isn’t properly before this Court. What’s more, Usma must file the appropriate writ of habeas corpus relief in the jurisdiction in which he is incarcerated. See *United States v. James*, 842 F. App’x 436, 438 (11th Cir. 2021) (“Although the normal method of challenging the crediting of a prisoner’s sentence is by a § 2241 petition, the district court lacked jurisdiction to consider one from James because he is confined outside of the Southern District of Georgia.”); *United States v. Pruitt*, 417 F. App’x 903, 903-04 (11th Cir. 2011); see also *Fernandez v. United States*, 941 F.2d 1488, 1495 (11th Cir. 1991) (“Section 2241 petitions may be brought only in the district court for the district in which the inmate is incarcerated.”). According to the Bureau of Prison’s website, Usma is incarcerated at FCI Oxford in Oxford, Wisconsin. The Court thus denies the motion.

Accordingly, it is now **ORDERED**:

Defendant Steven Usma’s Motion for Reconsideration for Additional Credit ([Doc. 175](#)) is **DENIED**.

DONE AND ORDERED in Fort Myers, Florida on December 29, 2022.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record