

August 25, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-50698  
Conference Calendar

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ETHAN ERWIN ROBERTS,

Petitioner-Appellant,

versus

DENNIS SMITH, Warden, Federal Correctional Institute, La Tuna,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:05-CV-103  
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Before DAVIS, SMITH, and WIENER, Circuit Judges.

PER CURIAM:\*

Ethan Erwin Roberts, federal prisoner # 01721-017, pleaded guilty to conspiracy to manufacture methamphetamine and, on April 12, 2000, was sentenced to 112 months of imprisonment. He appeals the district court's denial of his 28 U.S.C. § 2241 petition challenging the Bureau of Prisons' (BOP's) method of calculating his good-time credits under 18 U.S.C. § 3624(b).

Roberts argues that the BOP has incorrectly interpreted § 3624(b), resulting in the potential loss of 65 days of good-

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

time credits. In Sample v. Morrison, 406 F.3d 310, 312-13 (5th Cir. 2005), this court rejected the precise arguments that Roberts now advances. The Sample court dismissed the appeal for lack of subject-matter jurisdiction, however, concluding that the petition was not ripe for review. Id. at 312. The court concluded that the "temporally distant and speculative nature" of the claims rendered the § 2241 petition premature. Id.

As Roberts concedes, his arguments are foreclosed by Sample. Because Roberts is seeking the same sort of relief found premature in Sample, we dismiss the instant appeal for lack of subject-matter jurisdiction.

APPEAL DISMISSED.