

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
OCT 20 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

RALPH JOHN PREPETIT

Petitioner,

v.

UNITED STATES OF AMERICA

Respondent.

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) Criminal Nos. 04-cr-353 (ESH)
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MEMORANDUM OPINION AND ORDER

Before the Court is Ralph John Prepetit's Motion To Correct Judgment. Prepetit petitions the Court to issue a recommendation to the Bureau of Prisons so that he can receive credit for time served in cases 94-cr-267 and 94-cr-021.

"A defendant shall be given credit toward the service of a term of imprisonment for any time he has spent in official detention prior to the date the sentence commences . . . *that has not been credited against another sentence.*" 18 U.S.C. § 3585(b) (emphasis added).

Here, Prepetit received consecutive sentences in three cases, totaling a term of imprisonment of 168 months. He has received 414 days of credit for time served in case number 04-cr-353. Under 18 U.S.C. § 3585(b), Prepetit cannot receive additional credit for the same time served in his other cases, 94-cr-267 and 94-cr-021. *See id.* It is therefore

ORDERED that the motion is **DENIED** on the grounds that Prepetit is barred from obtaining credit for time served in 94-cr-267 and 94-cr-021 because his time served has already been credited against the 04-cr-353 sentence.

Ellen S Huvelle

ELLEN SEGAL HUVELLE
United States District Judge

Date: October 20, 2008