CLD-284 **NOT PRECEDENTIAL**

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 06-5075

ROBERT H. THOMAS,
Appellant

v.

UNITED STATES OF AMERICA, CAMERON LINDSAY,
Warden, USP Canaan

On Appeal From the United States District Court
For the Middle District of Pennsylvania
(D.C. Civ. No. 06-cv-02307)
District Judge: Honorable Thomas I. Vanaskie

Submitted For Possible Dismissal Under 28 U.S.C. § 1915(e)(2)(B) or Summary Action
Under Third Circuit LAR 27.4 and I.O.P. 10.6
June 28, 2007
Before: RENDELL, SMITH AND JORDAN, CIRCUIT JUDGES

Filed July 24, 2007

OPINION

PER CURIAM

Robert H. Thomas appeals the order from the United States District Court for the Middle District of Pennsylvania denying his petition for writ of habeas corpus. Thomas filed a petition under 28 U.S.C. § 2241 challenging the method that the Bureau of Prisons

("BOP") uses to calculate Good Conduct Time ("GCT"). The BOP calculates GCT based upon the amount of time an inmate actually serves, not the amount of time to which the prisoner has been sentenced. Thomas maintains that this method is contrary to what Congress intended when it enacted 18 U.S.C. § 3624(b).

We will summarily affirm the district court's order denying Thomas' petition. See Third Circuit LAR 27.4 and I.O.P. 10.6. Summary action is appropriate where there is no substantial question presented in the appeal. See Third Circuit LAR 27.4. In this appeal, there is no substantial question presented. The district court was entirely correct that our Court has squarely rejected Thomas' argument before. See O'Donald v. Johns, 402 F.3d 172, 174 (3d Cir. 2005). In O'Donald, the petitioner also argued that he was entitled to earn up to 54 days of GCT per year of the term of sentence imposed, rather than just on the amount of time actually served. We held that the BOP's interpretation of the statute, whereby it permits GCT to be earned only on time actually served, is reasonable. See id. at 174. Accordingly, we find that there is no substantial question presented in this appeal.

We will affirm the district court's order. Thomas' "Motion" filed on January 4, 2007, is denied.