

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-3029

United States of America,

Appellee,

v.

Eugene Carlos Hill,

Appellant.

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Appeal from the United States

District Court for the

Eastern District of Missouri.

[UNPUBLISHED]

Submitted: March 18, 2004

Filed: March 23, 2004

Before MORRIS SHEPPARD ARNOLD, FAGG, and SMITH, Circuit Judges.

PER CURIAM.

Eugene Hill, a federal inmate, pleaded guilty to a drug conspiracy offense in June 2002. In October 2002 the district court¹ sentenced him to 70 months imprisonment and 4 years supervised release. Hill subsequently filed a motion with the district court requesting credit against his sentence for the time he had spent under house arrest before his incarceration. The district court denied the motion and, after careful review of the record, we affirm.

¹The Honorable Charles A. Shaw, United States District Judge for the Eastern District of Missouri.

We conclude that the district court did not err in denying Hill's motion, because he failed to exhaust his administrative remedies by first presenting his claim to the Bureau of Prisons (BOP). See United States v. Chappel, 208 F.3d 1069, 1069 (8th Cir. 2000) (per curiam). However, we modify the district court's order to be without prejudice so that, after exhausting his BOP remedies, Hill may file an appropriate 28 U.S.C. § 2241 petition if he wishes. See id. at 1069-70.
