

United States Court of Appeals
For the Eighth Circuit

No. 24-1147

Darryl Tyler

Plaintiff - Appellant

v.

C. Garrett

Defendant - Appellee

Appeal from United States District Court
for the Eastern District of Arkansas - Delta

Submitted: December 19, 2024

Filed: December 24, 2024

[Unpublished]

Before LOKEN, SHEPHERD, and STRAS, Circuit Judges.

PER CURIAM.

Darryl Tyler appeals the district court's¹ denial of his 28 U.S.C. § 2241 petition challenging the Bureau of Prisons (BOP) determination that he was ineligible to earn First Step Act (FSA) time credits. In 2019 and 2021, while he was serving a 30-year sentence for a 2005 conviction for racketeering and other offenses, Tyler pleaded guilty to possessing a prohibited object in prison, in violation of 18 U.S.C. § 1791(a)(2). The sentences for the contraband offenses were ordered to run consecutively to his 2005 sentence. The BOP aggregated his sentences and determined he was ineligible to earn FSA credits based on his §1791(a)(2) convictions. See 18 U.S.C. § 3632(d)(4)(D)(xxix) (a prisoner serving a sentence for a conviction under § 1791 is ineligible to receive time credits). Tyler argues that he is still serving his 2005 sentence, which does not disqualify him from earning FSA credits.

Upon careful review, we conclude that the district court did not err in denying Tyler's petition, as the BOP correctly treated his prison terms as a single aggregated sentence for all 3 offenses, and therefore properly denied him eligibility for FSA credits. See 18 U.S.C. § 3584(c) (multiple terms of imprisonment ordered to run consecutively or concurrently shall be treated for administrative purposes as a single, aggregate term of imprisonment); Spencer v. Haynes, 774 F.3d 467, 469 (8th Cir. 2014) (de novo review of dismissal of § 2241 petition). We note that there is no indication in the record that Tyler had earned any FSA credits prior to the imposition of his disqualifying sentences.

Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable James M. Moody, Jr., United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable J. Thomas Ray, United States Magistrate Judge for the Eastern District of Arkansas, now retired.