

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 25-2786

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David Hirsch

*Petitioner - Appellant*

v.

Federal Prison Camp (FPC); Bill Eischen, Duluth Warden or current acting Warden

*Respondents - Appellees*

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Appeal from United States District Court  
for the District of Minnesota

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Submitted: July 7, 2026

Filed: July 10, 2026

[Unpublished]

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Before GRUENDER, BENTON, and SHEPHERD, Circuit Judges.

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PER CURIAM.

David Hirsch appeals the district court's<sup>1</sup> denial of his 28 U.S.C. § 2241 petition claiming that the Bureau of Prisons improperly deemed him ineligible to earn First Step Act time credits. In 2020, Hirsch pled guilty to a drug offense as well as possessing a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 924(c). He was sentenced to a total of 120 months in prison, consisting of 60 months for the drug offense plus 60 months for the section 924(c) offense. Hirsch argues the Bureau of Prisons improperly treated his sentences as one term and determined he was ineligible to earn credits based on his section 924(c) conviction.

Upon careful review, we conclude that the district court did not err in denying Hirsch's petition, as the Bureau of Prisons correctly treated his prison terms as a single aggregate sentence, and thus properly denied him time credits. See Spencer v. Haynes, 774 F.3d 467, 469 (8th Cir. 2014) (de novo review); see also Clinkenbeard v. Murdock, No. 24-3127, 2025 WL 926451, at \*1 (8th Cir. Mar. 27, 2025) (unpublished per curiam) (affirming denial of § 2241 petition seeking First Step Act time credits because prisoner was ineligible due to § 924(c) conviction).

Accordingly, we affirm. See 8th Cir. R. 47B. We also deny Hirsch's pending motions for summary judgment as moot.

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<sup>1</sup>The Honorable John R. Tunheim, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Shannon G. Elkins, United States Magistrate Judge for the District of Minnesota.