

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-7073

JAMES CAVANAUGH,

Petitioner - Appellant,

v.

TRACY JOHNS, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:10-hc-02025-BO)

Submitted: December 15, 2011

Decided: December 20, 2011

Before GREGORY, SHEDD, and DAVIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James Cavanaugh, Appellant Pro Se. Christina Ann Kelley, BUREAU OF PRISONS, Butner, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Cavanaugh, a federal prisoner, appeals the district court's order dismissing his 18 U.S.C. § 2241 (2006) petition. On appeal, Cavanaugh argues that the Bureau of Prisons erred in refusing to consider his vested good conduct time in calculating his eligibility for the Elderly Offender Home Detention Pilot Program. We agree with the district court that Cavanaugh had not served the "greater of 10 years or 75 percent of the term of imprisonment to which [he] was sentenced," 42 U.S.C. § 17541(g)(5)(A)(ii) (2006), and he therefore was ineligible for the program. See Izzo v. Wiley, 620 F.3d 1257, 1260 (10th Cir. 2010) ("Under a plain-language analysis, we hold that the phrase "term of imprisonment to which the offender was sentenced" unambiguously refers to the term imposed by the sentencing court, without any consideration of good time credit."). We therefore affirm the district court's order on this ground. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED