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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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BARBER ET AL. *v.* THOMAS, WARDENCERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

No. 09–5201. Argued March 30, 2010—Decided June 7, 2010

The federal sentencing statute at issue provides that a “prisoner . . . serving a term of imprisonment of more than 1 year . . . may receive credit toward the service of [that] sentence . . . of up to 54 days at the end of each year” subject to the Bureau of Prison’s (BOP) “determination . . . that, during that year, the prisoner” has behaved in an exemplary fashion. 18 U. S. C. §3624(b)(1). Credit “for the last year or portion of a year of the term of imprisonment [is] prorated . . .” *Ibid.* The BOP applies this statute using a methodology that awards 54 days of credit at the end of each year the prisoner serves and sets those days to the side. When the difference between the time remaining in the sentence and the amount of accumulated credit is less than one year, the BOP awards a prorated amount of credit for that final year proportional to the awards in other years.

Petitioners claim that the BOP’s calculation method is unlawful because §3624(b)(1) requires a calculation based on the length of the term of imprisonment imposed by the sentencing judge, not the length of time that the prisoner actually serves. The District Court rejected this challenge in each of petitioner’s cases, and the Ninth Circuit affirmed.

Held: Because the BOP’s method for calculating good time credit reflects the most natural reading of the statute, it is lawful. Pp. 5–17.

(a) The statute’s language and purpose, taken together, support the BOP’s method. That method tracks §3624(b)’s language by providing a prisoner a maximum credit of 54 days for each full year of imprisonment and a proportionally adjusted amount of credit for any additional time served that is less than a full year. As §3624(b) directs, the BOP awards the credit “at the end of each year” of imprisonment. Petitioners’ approach cannot be reconciled with the statute. Because

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it awards credit for the sentence imposed, regardless of how much time is actually served, a prisoner could receive credit for a year that he does not spend in prison. Moreover the calculation of credit for such a year would *not* be made “at the end of” that year. Nor could the BOP determine whether the prisoner had exemplary behavior “during that year.” This language did not find its way into the statute by accident. The differences between the prior provision (repealed in 1984)—which granted the prisoner a deduction at the outset of his sentence, subject to forfeiture for breaking prison rules—and the present statute—under which “credit” is “earned” “at the end of” the year based on an evaluation of behavior “during that year”—show an intent to move from a prospective entitlement to a retrospective award. The BOP’s method also furthers the basic purpose of the statute. Section 3624 was part of the comprehensive Sentencing Reform Act of 1984, which sought to achieve both increased sentencing uniformity and greater honesty by “mak[ing] all sentences basically determinate.” *Mistretta v. United States*, 488 U. S. 361, 367. Thereafter, the sentence the judge imposed would be the one the offender actually served, with a sole statutory exception for good time credits. *Ibid.* Section 3624(b) states the reason for the exception: to provide an incentive for prisoners to “compl[y] with institutional disciplinary regulations.” The exception is limited and tailored to its purpose—credit is earned at the end of the year after compliance with institutional rules is demonstrated and thereby rewards and reinforces a readily identifiable period of good behavior. The BOP’s approach furthers §3624’s objectives by tying the award directly to good behavior during the preceding year. In contrast, petitioners’ approach would allow a prisoner to earn credit for both the portion of his sentence that he served and the portion offset with earned credit, which would loosen the statute’s connection between good behavior and the good time award. Pp. 5–8.

(b) Arguments to the contrary are unconvincing. Context indicates that the phrase “term of imprisonment” as used in the portion of §3624(b) at issue here refers to prison time actually served not, as petitioners contend, to the sentence imposed by the judge. Petitioners’ reliance on legislative history is misplaced. A U. S. Sentencing Commission Supplementary Report is not helpful to them either, because there is no indication that the Commission, in that report or in the Guidelines themselves, considered or referred to the particular question whether to base good time credit on time served or the sentence imposed. Nor, in light of the statute’s text, structure, history, and purpose, is this a case in which there is a “grievous ambiguity or uncertainty in the statute,” *Muscarello v. United States*, 524 U. S. 125, 139, permitting application of the rule of lenity. Because the BOP’s

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calculation system applies the statute as its language is most naturally read, and in accordance with the statute's basic purpose, this Court need not determine the extent to which Congress has granted the BOP authority to interpret the statute more broadly, or differently than it has done here. Cf. *Chevron U. S. A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U. S. 837, 844–845. And because the BOP's approach reflects the statute's most natural reading and is the most consistent with its purpose, it is also preferable to the dissent's alternative interpretation. Pp. 8–17.

Affirmed.

BREYER, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, THOMAS, ALITO, and SOTOMAYOR, JJ., joined. KENNEDY, J., filed a dissenting opinion in which STEVENS and GINSBURG, JJ., joined.