

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA

Bennie Overton v. Warden Gilley

Overton v. Gilley · No. 7:25-cv-00397 · Decided May 15, 2026

SUMMARY

The court granted Warden Gilley’s motion to dismiss Bennie Overton’s 28 U.S.C. § 2241 petition. It held that Overton’s claims concerning retaliation, assault, communication restrictions, and placement in a residential reentry center or home confinement challenged conditions of confinement and were not cognizable in habeas proceedings. The court also concluded that the claims concerning email, telephone restrictions, and residential reentry center placement were moot because the restrictions had ended and Overton had been transferred to an RRC.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| COURT                 | United States District Court for the Western District of Virginia                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| WRITING FOR THE COURT | Michael F. Urbanski                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| JURISDICTION          | United States District Court for the Western District of Virginia                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| DECIDED               | May 15, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| DOCKET                | 7:25-cv-00397                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| PROCEDURAL POSTURE    | Petition for a writ of habeas corpus under 28 U.S.C. § 2241; respondent moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).                                                                                                                                                                                                                                                                                                                                                              |
| STANDARD OF REVIEW    | On a Rule 12(b)(1) motion, the plaintiff bears the burden of establishing subject matter jurisdiction, and the court may consider evidence outside the pleadings without converting the motion to one for summary judgment. Dismissal is appropriate when material jurisdictional facts are undisputed and the movant is entitled to judgment as a matter of law. On a Rule 12(b)(6) motion, the pleading must contain sufficient factual matter, accepted as true, to state a facially plausible claim for relief. |
| PRECEDENTIAL VALUE    | Unpublished district court memorandum opinion; persuasive rather than binding precedent outside the case.                                                                                                                                                                                                                                                                                                                                                                                                           |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

## PARTIES

Bennie Overton v. Warden Gilley

## TOPICS

federal habeas corpus

post-conviction relief

motions to dismiss

subject matter jurisdiction

prisoners rights

## PRACTICE AREAS

Federal habeas corpus

Prisoners' rights

Federal civil procedure

## QUESTIONS PRESENTED

1. Whether Overton's claims concerning retaliation, assault, access to email and telephones, and placement in a residential reentry center or home confinement were cognizable in a petition under 28 U.S.C. § 2241.
2. Whether the claims concerning telephone and email restrictions and residential reentry center placement became moot after the restrictions ended and Overton received the requested placement.

## HOLDINGS

1. Claims challenging the conditions of a prisoner's confinement, including alleged retaliation, assault, denial of email and telephone access, and housing or placement conditions, are not cognizable in a § 2241 habeas petition because they challenge the conditions rather than the fact or duration of confinement.
2. A federal prisoner has no constitutionally protected right to serve the final 12 months of a sentence in a residential reentry center or home confinement.
3. Claims concerning telephone and email restrictions and requested RRC placement were moot because the restrictions had ended and Overton had received RRC placement.

## KEY QUOTATIONS

*"the heart of habeas corpus" involves challenges to "the fact or duration of . . . physical confinement itself" and requests for "immediate release or a speedier release from that confinement."*

*"Overton's claims of retaliation, assault, and denial of access to email and telephones challenge his conditions of confinement, rather than the fact or duration of his confinement."*

*"Because he has received the requested RRC placement and it is undisputed that he is no longer subject to email or telephone restrictions, these claims are moot."*

## FACTUAL BACKGROUND

Overton was incarcerated at USP Lee and alleged that he had been denied email and telephone access, sexually assaulted and threatened in retaliation for filing grievances, and denied a request for 12 months of halfway-house or home detention placement. During the litigation, the incident report underlying the telephone and email

restrictions was expunged, and Overton was no longer subject to those restrictions. He also received a recommendation for residential reentry center placement and was transferred to an RRC in Cincinnati, Ohio.

## PROCEDURAL HISTORY

Overton, a federal inmate, filed a § 2241 petition alleging restrictions on email and telephone access, sexual assault and retaliation, and failure to secure 12 months of halfway-house or home detention placement. Warden Gilley moved to dismiss. The court granted the motion, concluding that the conditions-of-confinement claims were not cognizable under § 2241 and that the claims concerning telephone, email, and requested RRC placement were moot.

## DISPOSITION

dismissed

## CASES CITED

- Evans v. B. F. Perkins Co., 166 F.3d 642, 647 (4th Cir. 1999)
- Mowery v. Nat'l Geospatial-Intelligence Agency, 42 F.4th 428, 433 (4th Cir. 2022)
- Balfour Beatty Infrastructure, Inc. v. Mayor of Baltimore, 855 F.3d 247, 251 (4th Cir. 2017)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Preiser v. Rodriguez, 411 U.S. 475, 498 (1973)
- Nelson v. Campbell, 541 U.S. 637, 643 (2004)
- Wilborn v. Mansukhani, 795 F. App'x 157, 163-64 (4th Cir. 2019)
- Farabee v. Clarke, 967 F.3d 380, 395 (4th Cir. 2020)
- Rodriguez v. Ratledge, 715 F. App'x 261, 266 (4th Cir. 2017)
- Young v. Streeval, No. 7:21-cv-00122, 2021 WL 4705184, at \*2 (W.D. Va. Oct. 8, 2021)
- Harris v. Streeval, No. 7:21-cv-00439, 2021 WL 4705184, at \*2 (W.D. Va. Oct. 8, 2021)
- Hodge v. Rivers, No. 7:20-cv-00570, 2021 WL 48638, at \*2 (W.D. Va. Jan. 6, 2021)
- Neal v. United States Penitentiary Lee, No. 7:20-cv-00295, 2020 WL 4333004, at \*1 (W.D. Va. July 27, 2020)
- Eaves v. Edge, No. 25-cv-450, 2026 WL 1246224, at \*4 (W.D. Tex. May 5, 2026)
- Maldonado v. Rule, No. 4:24-cv-00971, 2025 WL 476256, at \*2 (N.D. Tex. Feb. 11, 2025)
- Melot v. Bergami, 970 F.3d 596, 599 (5th Cir. 2020)
- McKune v. Lile, 536 U.S. 24, 39 (2002)
- Meachum v. Fano, 427 U.S. 215, 225 (1976)
- Caniff v. Healy, No. 4:25-cv-00693, 2025 WL 1869685, at \*1 (N.D. Ohio June 26, 2025)
- Porter v. Clarke, 852 F.3d 358, 363 (4th Cir. 2017)

