

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Richard Dzionara-Norsen v. U.S. Marshal’s Service, et al.

Norsen · No. 3:24-102 · Decided March 16, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania overruled Petitioner Richard Dzionara-Norsen’s objections and adopted the Magistrate Judge’s Report and Recommendation. The court dismissed the petitioner’s § 2241 petition and supplement with prejudice as moot because he had been released from Bureau of Prisons custody, and concluded that claims concerning compassionate release and his conviction or sentence belonged before the sentencing court. The court also denied a certificate of appealability and directed that judgment follow.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Nora Barry Fischer
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	March 16, 2026
DOCKET	3:24-102
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court conducted de novo review of a magistrate judge’s report and recommendation following preservice screening of a 28 U.S.C. § 2241 petition and supplement. The court overruled the petitioner’s objections, adopted the report and recommendation as supplemented, and dismissed the claims with prejudice.
STANDARD OF REVIEW	De novo review of the magistrate judge’s report and recommendation and objections.
PRECEDENTIAL VALUE	Unpublished district-court memorandum order; nonprecedential unless otherwise provided by applicable law.
PARTIES	Richard Dzionara-Norsen v. U.S. Marshal’s Service, et al.

TOPICS

- federal habeas corpus
- post-conviction relief
- subject matter jurisdiction
- sentencing

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Federal criminal procedure

Mootness and jurisdiction

QUESTIONS PRESENTED

1. Whether Petitioner's § 2241 claims seeking release or relief from conditions of confinement became moot after his transfer from BOP custody and subsequent release.
2. Whether the Western District of Pennsylvania had jurisdiction to grant compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i), where the sentencing court was located in the Western District of New York.
3. Whether claims challenging Petitioner's conviction or sentence could be pursued through § 2241 in this court rather than through a motion under 28 U.S.C. § 2255 in the sentencing court.
4. Whether a certificate of appealability was required for an appeal from the denial of a federal prisoner's § 2241 petition.

HOLDINGS

1. Petitioner's habeas claims under § 2241 were moot because he had been released from BOP custody, leaving the court unable to provide the requested habeas relief.
2. The Western District of Pennsylvania lacked jurisdiction to grant compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i) because that relief was reserved for the sentencing court.
3. Claims challenging Petitioner's conviction or sentence had to be presented to the sentencing court through a motion under 28 U.S.C. § 2255 rather than pursued in this § 2241 proceeding.
4. No certificate of appealability was required for an appeal from the denial of Petitioner's § 2241 petition.

KEY QUOTATIONS

"Because Malik had been released to prerelease custody, his request for release to such custody was moot."
(Memorandum Order)

"Since the BOP released Petitioner from its custody, there is no longer any habeas relief that this Court can provide." (Memorandum Order)

FACTUAL BACKGROUND

Petitioner was formerly in Bureau of Prisons custody at FCI Loretto and sought relief under § 2241, including compassionate release and release based on allegedly unconstitutional conditions of confinement. He was transferred to a Residential Reentry Center in Rochester, New York, and later released from BOP custody. The court also noted that Petitioner had a pending counseled § 2255 motion in the sentencing court and was subject to supervised-release violation proceedings there.

PROCEDURAL HISTORY

Petitioner filed a § 2241 habeas petition and supplement concerning compassionate release, the conditions of confinement at FCI Loretto, and challenges to his conviction and sentence. Magistrate Judge Patricia L. Dodge recommended summary dismissal, concluding that the district court lacked jurisdiction over claims reserved for

the sentencing court and that the conditions-of-confinement claim was moot after Petitioner’s transfer. After Petitioner filed timely objections and was later released from BOP custody, the case was reassigned to Judge Nora Barry Fischer, who independently reviewed the record, overruled the objections, adopted the recommendation, dismissed the claims with prejudice as moot, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Grasinger v. Caterpillar, Inc., Civ. A. No. 21-956, 2023 WL 4846843, at *1 (W.D. Pa. July 28, 2023)
- Johnson v. Allegheny Cnty., No. 2:14-CV-857, 2014 WL 5513769, at *2 n.2 (W.D. Pa. Oct. 31, 2014)
- United States v. Dzionara-Norsen, Crim. No. 6:19-cr-06131-FPG-MWP-1 (W.D. N.Y. Mar. 13, 2026)
- Malik v. Warden Loretto FCI, No. 23-2281, 2024 WL 3649570, at *2 (3d Cir. Aug. 5, 2024)
- Constantine v. United States, No. 1:23-CV-22, 2023 WL 6811999, at *2 (W.D. Pa. Aug. 28, 2023), report and recommendation adopted, No. CV 23-22, 2023 WL 6810862 (W.D. Pa. Oct. 16, 2023)
- Goodloe v. Warden Lewisburg USP, 2025 WL 342189, at *1 n.1 (3d Cir. 2025)
- Reese v. Warden Phila. FDC, 904 F.3d 244, 246 (3d Cir. 2018)

OPINION

NORSEN

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
RICHARD DZIONARA-NORSEN,)

) Petitioner,)) v.)) Civil Action No. 3:24-102 U.S. MARSHAL’S SERVICE, et al.,) Judge Nora Barry Fischer) Magistrate Judge Patricia L. Dodge Respondents.)

MEMORANDUM ORDER

AND NOW, this 16th day of March, 2026, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Patricia L. Dodge on February 11, 2025, (Docket No. 15), recommending after preservice screening that the § 2241 habeas petition and Supplement filed by Petitioner Richard Dzionara-Norsen against Respondents U.S. Marshal’s Service et al. be summarily dismissed, with prejudice, as the Court lacks jurisdiction to grant Petitioner compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i) which is reserved for the sentencing court, any claim that he is entitled to release due to his allegations that the conditions at FCI Loretto are so poor that his continued confinement there was unconstitutional is moot as he was subsequently transferred to a Residential Reentry Center in Rochester, New York, and that any claims challenging his conviction or sentence must likewise be presented to the sentencing court in a § 2255 petition, and the later order by the Magistrate Judge extending the deadline for objections

to March 27, 2025, (Docket No. 19), Petitioner's Objections which were timely filed on February 27, 2025, (Docket No. 20), and March 21, 2025, (Docket No. 21), the Notice of Change of Address filed by Petitioner on December 4, 2025 indicating that he had been released from BOP custody at the RRC and was living at an address in Rochester, NY, (Docket No. 28), this matter having been recently reassigned to the undersigned for prompt disposition, and upon independent review of the record and de novo consideration of the Magistrate Judge's February 11, 2025 Report and Recommendation, (Docket No. 15), and the Court taking judicial notice of the Docket Report in Petitioner's criminal case at 6:19-cr-06131-FPG-MWP-1 (W.D. N.Y.), indicating that he filed a counseled § 2255 motion to vacate challenging his conviction and sentence on October 6, 2025, which remains pending in that Court, and that he is also presently subject to a petition from the Probation Office alleging that he committed violations of his supervised release, see *United States v. Dzionara-Norsen*, Crim. No. 6:19-cr-06131-FPG-MWP-1, Docket Nos. 236, 250 (W.D. N.Y. Mar. 13, 2026); see also *Grasinger v. Caterpillar, Inc.*, Civ. A. No. 21-956, 2023 WL 4846843, at

*1 (W.D. Pa. July 28, 2023) (quoting *Johnson v. Allegheny Cnty.*, No. 2:14-CV-857, 2014 WL 5513769, at *2 n.2 (W.D. Pa. Oct. 31, 2014)) ("It is well established that "[t]his Court may properly take judicial notice of docket entries, documents, and opinions filed in other cases."). IT IS HEREBY ORDERED that Petitioner's Objections [20] and [21] are OVERRULED, as any habeas claims under § 2241 are moot given his release from BOP custody and the Court agrees with the Magistrate Judge's assessment that the Court otherwise lacks jurisdiction over matters which are appropriately addressed by the sentencing court in the U.S. District Court for the Western District of New York, i.e., the prior motion for compassionate release under § 3582(c)(1)(A)(i) and the pending § 2255 petition. see e.g., *Malik v. Warden Loretto FCI*, No. 23- 2281, 2024 WL 3649570, at *2 (3d Cir. Aug. 5, 2024) ("Because Malik had been released to prerelease custody, his request for release to such custody was moot. [...] Regardless of whether his request for an earlier transfer to supervised release was moot at the time of the Magistrate Judge's order or simply meritless because he had already received the maximum credit allowed towards an earlier release from custody to supervised release, see § 3624(g)(3), such a request is moot now that Malik is on supervised release."); *Constantine v. United States*, No. 1:23-CV-22, 2023 WL 6811999, at *2 (W.D. Pa. Aug. 28, 2023), report and recommendation adopted, No. CV 23-22, 2023 WL 6810862 (W.D. Pa. Oct. 16, 2023) ("Since the BOP released Petitioner from its custody, there is no longer any habeas relief that this Court can provide."); IT IS FURTHER ORDERED that the Magistrate Judge's February 11, 2025 Report and Recommendation is ADOPTED as the opinion of this Court, as supplemented herein; IT IS FURTHER ORDERED that the claims set forth in the § 2241 Petition and Supplement (Docket Nos. 8, 14) are dismissed, with prejudice, as moot and no certificate of appealability shall issue, see *Goodloe v. Warden Lewisburg USP*, 2025 WL 342189, *1, n.1 (3d Cir. 2025) (citing *Reese v. Warden Phila. FDC*, 904 F.3d 244, 246 (3d Cir. 2018)) ("a federal prisoner challenging the denial of a § 2241 petition, he need not obtain a

certificate of appealability”); and, IT IS FURTHER ORDERED that an appropriate Judgment follows. s/Nora Barry Fischer Nora Barry Fischer Senior U.S. District Judge cc/ecf: Magistrate Judge Patricia L. Dodge
cc: RICHARD DZIONARA NORSEN
926 Highland Ave. Rochester, NY 14260 (via first class mail)

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