

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PRECEDENTIAL VALUE	Unpublished district-court memorandum order; nonprecedential unless otherwise provided by applicable law.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)