

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, NORTHERN DIVISION

Efren Angulo Luango v. Warden Childress

Luango · No. 3:25-CV-70-DPJ-ASH · Decided December 31, 2025

SUMMARY

A United States Magistrate Judge recommends dismissing without prejudice Efren Angulo-Luango’s 28 U.S.C. § 2241 petition challenging the Bureau of Prisons’ denial of First Step Act time credits. The recommendation concludes that he failed to exhaust the Bureau of Prisons’ administrative-remedy process and did not establish grounds to excuse exhaustion. It also notes that any challenge to an immigration removal order would fall outside the district court’s subject-matter jurisdiction.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Northern Division
WRITING FOR THE COURT	Andrew S. Harris, United States Magistrate Judge
JURISDICTION	United States District Court for the Southern District of Mississippi, Northern Division
DECIDED	December 31, 2025
DOCKET	3:25-CV-70-DPJ-ASH
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on a federal prisoner's 28 U.S.C. § 2241 petition challenging the Bureau of Prisons' denial of First Step Act time credits.
STANDARD OF REVIEW	A federal prisoner seeking sentence credit under § 2241 must properly exhaust the Bureau of Prisons' administrative-remedy process unless extraordinary circumstances demonstrate that exhaustion would be futile.
PRECEDENTIAL VALUE	nonprecedential report and recommendation
PARTIES	Efren Angulo Luango v. Warden Childress

TOPICS

federal habeas corpus

exhaustion of remedies

post-conviction relief

immigration

subject matter jurisdiction

PRACTICE AREAS

federal habeas corpus

post-conviction relief

administrative law

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QUESTIONS PRESENTED

1. Whether Luango was required to exhaust the Bureau of Prisons' administrative remedies before seeking relief under 28 U.S.C. § 2241.
2. Whether Luango's belief that administrative review would be futile or cause delay excused the exhaustion requirement.
3. Whether the district court would have subject-matter jurisdiction over any challenge to the legality of the August 22, 2016 immigration order of removal.

HOLDINGS

1. A federal prisoner seeking credit against a sentence must first properly exhaust the Bureau of Prisons' multi-tiered administrative-remedy process before filing a § 2241 petition, even though the exhaustion requirement is judicially imposed rather than statutory.
2. Exhaustion is not excused merely because the petitioner believes administrative review will be unsuccessful or that completing the process will cause delay; extraordinary circumstances and demonstrated futility are required.
3. To the extent the petition challenged the legality of the August 22, 2016 immigration order of removal, the district court lacked subject-matter jurisdiction because such a challenge is inextricably linked to the removal order.

KEY QUOTATIONS

“Simply put, Angulo-Luango was required to exhaust before filing his habeas petition. Because he failed to do so, his petition should be dismissed.” (Analysis)

FACTUAL BACKGROUND

Luango is serving a 175-month aggregate term of incarceration for conspiracy to possess with intent to distribute a controlled substance on a vessel subject to United States jurisdiction and for violating a previously imposed term of supervised release. He alleged that he had accrued programming credits that should have qualified him for First Step Act time credits, but the Bureau of Prisons disallowed them. The BOP's records showed that he had filed no administrative remedies concerning his First Step Act eligibility, and Luango admitted that he made only an informal verbal complaint and did not pursue the formal administrative process.

PROCEDURAL HISTORY

Luango filed a § 2241 habeas petition and amended petition seeking sentence credit for allegedly earned First Step Act programming credits. The respondent opposed relief, arguing that Luango failed to exhaust administrative remedies and that the petition also failed on the merits. The magistrate judge recommended dismissal without prejudice for failure to exhaust, subject to the parties' right to object and the district judge's review under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- United States v. Sonsteng, No. 2:17-539, 2021 WL 2380054, at *1 (S.D. Tex. June 9, 2021)
- Pack v. Yusuff, 218 F.3d 448, 451 (5th Cir. 2000)
- Castano v. Everhart, 235 F. App'x 206, 207 (5th Cir. 2007)
- United States v. Gabor, 905 F.2d 76, 78 n.2 (5th Cir. 1990)
- Woodford v. Ngo, 548 U.S. 81, 83–84 (2006)
- Herrera-Villatoro v. Driver, 269 F. App'x 372 (5th Cir. 2008)
- Gayton v. Rivers, No. 3:23-CV-1842-X, 2023 WL 8007387, at *2 (N.D. Tex. Aug. 24, 2023), report and recommendation adopted, 2023 WL 8005316 (N.D. Tex. Nov. 17, 2023)
- Mayberry v. Pettiford, 74 F. App'x 299, 299 (5th Cir. 2003)
- Fuller v. Rich, 11 F.3d 61, 62 (5th Cir. 1994)
- Jackson v. Harrison, No. 3:22-CV-471-TSL-MTP, 2024 WL 542400, at *2 (S.D. Miss. Jan. 12, 2024), report and recommendation adopted, 2024 WL 542379 (S.D. Miss. Feb. 9, 2024)
- Overshown v. Upton, 466 F. App'x 361, 361 (5th Cir. 2012)
- Brown v. Young, No. 08-1586, 2009 WL 666945, at *3 (W.D. La. Feb. 3, 2009)
- Kennedy v. Berkebile, No. 3:08-CV-2067, 2009 WL 151207, at *2 (N.D. Tex. Jan. 20, 2009)
- Herman v. Wendt, No. 3:03-CV-1204, 2004 WL 60818, at *2 (N.D. Tex. Jan. 13, 2004), report and recommendation adopted, 2004 WL 557290 (N.D. Tex. Feb. 11, 2004)
- Duarte v. Mayorkas, 27 F.4th 1044, 1054–55 (5th Cir. 2022)
- Martinez v. Napolitano, 704 F.3d 620, 623 (9th Cir. 2013)
- Alexander v. Verizon Wireless Services, L.L.C., 875 F.3d 243, 248 (5th Cir. 2017)
- Douglass v. United Services Auto. Ass'n, 79 F.3d 1415, 1428–29 (5th Cir. 1996)