

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Samir Zamora v. Michael Underwood, Warden FCI Loretto, et al.

Civil Action No. 3:25-186 · No. Civil Action No. 3:25-186 · Decided January 23, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania adopted a magistrate judge's recommendation and denied Samir Zamora's 28 U.S.C. § 2241 petition challenging the Bureau of Prisons' determination that he was ineligible to apply earned time credits. The court held that Zamora, a noncitizen subject to a final order of removal and immigration detainer, was ineligible for the credits under 18 U.S.C. § 3632(d)(4)(E), denied the petition with prejudice, and declined to issue a certificate of appealability.

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	January 23, 2026
DOCKET	Civil Action No. 3:25-186
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petitioner sought relief under 28 U.S.C. § 2241, challenging the Bureau of Prisons' determination that he was ineligible to apply earned time credits because he was subject to a final order of removal. The district court reviewed the magistrate judge's report and recommendation de novo after considering Petitioner's objections and supplemental filing.
STANDARD OF REVIEW	De novo review of the magistrate judge's report and recommendation and independent review of the record.
PRECEDENTIAL VALUE	unpublished
PARTIES	Samir Zamora v. Michael Underwood, Warden FCI Loretto, et al.

TOPICS

- federal habeas corpus
- immigration
- sentence modification
- exhaustion of remedies
- statutory interpretation

PRACTICE AREAS

Federal habeas corpus

Federal prison law

Immigration detention and removal

Earned time credits

QUESTIONS PRESENTED

1. Whether the § 2241 petition should be denied after Petitioner completed the BOP exhaustion process during the litigation.
2. Whether a noncitizen subject to an immigration detainer and final order of removal is eligible to apply earned time credits under 18 U.S.C. § 3632(d)(4)(E).
3. Whether § 3632(d)(4)(E) applies only to removal orders issued by immigration judges or also applies to orders issued by immigration officers.
4. Whether a certificate of appealability is required to appeal the denial of a federal prisoner's § 2241 petition.

HOLDINGS

1. A noncitizen subject to an immigration detainer indicating that the individual has a final order of removal is ineligible to apply earned time credits under 18 U.S.C. § 3632(d)(4)(E).
2. Section 3632(d)(4)(E) is not limited to removal orders issued by immigration judges; it also applies to removal orders issued by immigration officers.
3. Although Petitioner initially failed to exhaust BOP administrative remedies, the court resolved the petition on the merits after Petitioner completed the exhaustion process during the litigation.
4. No certificate of appealability is required for a federal prisoner appealing the denial of a § 2241 petition.

KEY QUOTATIONS

“With that said, the § 2241 petition must be denied because Petitioner has not shown that he is entitled to earned time credits as he is a non-citizen subject to an immigration detainer indicating that he has a final order of removal.” (Memorandum Order)

“In addition, Petitioner’s complaints that earned time credits must be applied in his case because he has not appeared before an immigration judge and therefore did not receive a final order of removal must be overruled because § 3632(d)(4)(E) is not limited to orders of removal issued by immigration judges but also applies to orders of removal issued by an immigration officer.” (Memorandum Order)

FACTUAL BACKGROUND

Samir Zamora, a Colombian national incarcerated at FCI Loretto, challenged the BOP's determination that he could not use earned time credits because he was subject to an immigration detainer and final order of removal. He initially filed the § 2241 petition before completing the BOP's administrative-remedy process, but he later completed that process and received a denial from the BOP Administrator for National Inmate Appeals. The BOP advised him that any challenge to the validity of the deportation detainer should be directed to ICE. The district court also relied on records indicating that Zamora had previously been paroled into the United States for prosecution, imprisoned, and deported, and expected to be deported after serving his current sentence.

PROCEDURAL HISTORY

The magistrate judge recommended that the § 2241 petition be denied without prejudice for failure to exhaust administrative remedies. After the recommendation, Petitioner completed the Bureau of Prisons administrative-review process, but the BOP denied his appeal and directed him to raise any challenge to the immigration detainer with Immigration and Customs Enforcement. The district court adopted the recommendation as supplemented, overruled Petitioner's objections, and denied the petition with prejudice.

DISPOSITION

writ_denied

CASES CITED

- Pisman v. Warden Allenwood FCI Low, No. 23-2048, 2023 WL 6618238, at *1 (3d Cir. Oct. 11, 2023)
- Said v. Underwood, No. 3:23-CV-00164, 2025 WL 90145, at *2 (W.D. Pa. Jan. 14, 2025)
- Obi v. Underwood, No. 3:23-CV-274, 2025 WL 3684933, at *2 (W.D. Pa. Dec. 18, 2025)
- United States v. Zamora, 8:17-cr-00448-MSS-CPT-3, Judgment, Docket No. 74 (M.D. Fla. Feb. 16, 2018)
- Montano v. Peters et al., Civ. A. No. 3:24-cv-143-NBF-KAP, Docket No. 8 (W.D. Pa. Sept. 30, 2025)
- 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

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA SAMIR ZAMORA,)) Petitioner,)) v.)) Civil Action No. 3:25-186 MICHAEL UNDERWOOD, WARDEN FCI) Judge Nora Barry Fischer LORETTO, et al.,) Magistrate Judge Keith A. Pesto) Respondents.) MEMORANDUM ORDER AND NOW, this 23rd day of January, 2026, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Keith A. Pesto on November 18, 2025, (Docket No. 11), recommending that the § 2241 habeas petition filed by Petitioner Samir Zamora be denied without prejudice because he failed to properly exhaust administrative remedies through the approved BOP procedures for his claim challenging the BOP determination that he is ineligible for earned time credits due to a final order of removal from Immigration and Customs Enforcement, Petitioner's Objections which were filed on December 5, 2025, (Docket No. 12), and his Supplement which was filed on January 5, 2026, (Docket No. 13), wherein he argues that he has now fully exhausted his claims as the BOP Administrator for the National Inmate Appeals responded to his BP-11 appeal in correspondence dated December 15, 2025, denied his appeal and advised him that "[a]ny belief that the detainer for deportation upon release is not valid, should be directed to Immigration and Customs Enforcement" and the BOP has no authority to remove the detainer without verification from that agency, (Docket No. 13-2 at 1), 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 November 18, 2025 Report and Recommendation, (Docket No. 11), IT IS HEREBY ORDERED that the November 18, 2025 Report and Recommendation [11] is ADOPTED, as supplemented herein; IT IS FURTHER ORDERED that Petitioner's objections to the Report and Recommendation set forth in his Objections [12] and Supplement [13] are OVERRULED.

To that end, Petitioner's recent submissions indicate that he undoubtedly filed this § 2241 petition without exhausting his administrative remedies but he has since completed the exhaustion process through the BOP and his administrative appeal has been denied, with instructions that any challenge to the detainer and order of removal should be directed to ICE.

(See Docket No. 13). With that said, the § 2241 petition must be denied because Petitioner has not shown that he is entitled to earned time credits as he is a non-citizen subject to an immigration detainer indicating that he has a final order of removal. See e.g., *Pisman v. Warden Allenwood FCI* Low, No. 23-2048, 2023 WL 6618238, at *1 (3d Cir. Oct. 11, 2023) ("Contrary to his argument, Pisman, a foreign citizen assigned a "deportable alien" public safety factor on whom Immigration and Customs Enforcement has a detainer, is ineligible to use earned time credits for immediate release to residential re-entry programs or home confinement, pursuant to BOP regulations."); *Said v. Underwood*, No. 3:23-CV- 00164, 2025 WL 90145, at *2 (W.D.

Pa. Jan. 14, 2025) ("the Court concludes that Petitioner is ineligible to apply earned time credits under 18 U.S.C. § 3632(d)(4)(E) and will deny the Petition on that basis" as he is subject to a final order of removal).

In addition, Petitioner's complaints that earned time credits must be applied in his case because he has not appeared before an immigration judge and therefore did not receive a final order of removal must be overruled because § 3632(d)(4)(E) is not limited to orders of removal issued by immigration judges but also applies to orders of removal issued by an immigration officer.

See e.g., *Said*, 2025 WL 90145, at *2; *Obi v. Underwood*, No. 3:23-CV-274, 2025 WL 3684933, at *2 (W.D. Pa. Dec. 18, 2025). Based on Petitioner's submissions and the records from his cases in the U.S. District Court for the Middle District of Florida, he is a Colombian national who was paroled into the United States for prosecution and was previously prosecuted in that District for a similar offense, served a period of imprisonment and was deported.

See *United States v. Zamora*, 8:17-cr-00448- MSS-CPT-3, Judgment, Docket No. 74 (M.D. Fla. Feb. 16, 2018) (stating that defendant was paroled into the U.S. for prosecution), He has also made filings in his criminal case indicating that he expects to be deported after he serves the current sentence. See *id.*, pro se Notice of Inquiry, Docket No. 117 (M.D. Fla. Oct.

17, 2022) (defendant stating that he needs the status of his case and certain documents so that he can oppose any government hinderance to serving his sentence and being promptly deported to his

home country of Colombia). Hence, his § 2241 petition must be denied. *Montano v. Peters et al.*, Civ. A. No. 3:24-cv-143-NBF-KAP, Docket No. 8 (W.D. Pa. Sept. 30, 2025) (denying § 2241 petition of inmate challenging computation of sentence for no earned time credits as he was non-citizen paroled into the United States for drug trafficking prosecution and subject to final order of removal); IT IS FURTHER ORDERED that the § 2241 Petition (Docket No. 3) is denied, with prejudice, 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 Keith A. Pesto cc: SAMIR ZAMORA 53787-018 LORETTO FEDERAL CORRECTIONAL INSTITUTION Inmate Mail/Parcels P.O.

BOX 1000 CRESSON, PA 16630 (via first class mail)