

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PRECEDENTIAL VALUE	unpublished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)