

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
NORTH CAROLINA, CHARLOTTE DIVISION

Jose A. Rios v. Leslie Cooley Dismukes

Rios · No. 3:25-cv-00280-MR · Decided March 9, 2026

SUMMARY

The court dismissed without prejudice Jose A. Rios’s 28 U.S.C. § 2254 petition challenging a prison disciplinary conviction and seeking restoration of forfeited good-time credits. The court held that Rios had exhausted administrative remedies but had not pursued available state judicial remedies, and therefore had not satisfied the federal habeas exhaustion requirement. The court denied his fee application as moot, declined to issue a certificate of appealability, and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Western District of North Carolina, Charlotte Division
WRITING FOR THE COURT	Martin Reidinger, Chief United States District Judge
JURISDICTION	United States District Court for the Western District of North Carolina, Charlotte Division
DECIDED	March 9, 2026
DOCKET	3:25-cv-00280-MR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Initial review of a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a state prison disciplinary conviction and seeking restoration of forfeited good-time credits.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing Section 2254 Cases, the district court must dismiss a habeas petition when it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief. A state prisoner must exhaust available state remedies before seeking federal habeas relief.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court memorandum
PARTIES	Jose A. Rios v. Leslie Cooley Dismukes, Secretary, North Carolina Department of Adult Correction

TOPICS

federal habeas corpus exhaustion of remedies post-conviction relief state post-conviction relief
procedural due process

PRACTICE AREAS

federal habeas corpus post-conviction relief prison disciplinary proceedings constitutional law

QUESTIONS PRESENTED

1. Whether the § 2254 petition could proceed when the petitioner had exhausted state administrative remedies but had not pursued state judicial remedies concerning the prison disciplinary conviction and loss of good-time credits.
2. Whether the petition should be dismissed without prejudice under Rule 4 for failure to exhaust available state remedies.

HOLDINGS

1. A state prisoner challenging a disciplinary conviction that allegedly resulted in the loss of good-time credits must exhaust available state judicial remedies, in addition to state administrative remedies, before seeking federal habeas relief under § 2254.
2. The petition must be dismissed without prejudice because the petitioner failed to pursue judicial post-conviction remedies in state court before filing the federal habeas action.

KEY QUOTATIONS

“Because an action for restoration of good-time credits in effect demands immediate release or a shorter period of detention, it attacks ‘the very duration of ... physical confinement,’ ... and thus lies at ‘the core of habeas corpus[.]’”

“The exhaustion requirement reflects “an accommodation of our federal system designed to give the State an initial opportunity to pass upon and correct alleged violations of its prisoners’ federal rights.””

FACTUAL BACKGROUND

Jose A. Rios, a North Carolina prisoner, was convicted in Gaston County Superior Court of two counts of second-degree murder and received consecutive sentences. While incarcerated at Alexander Correctional Institution, he received an A-24 possession-of-a-weapon disciplinary conviction in March 2025. He alleged that the conviction caused loss of good-time credits and a \$10 deduction from his inmate trust account, and sought reversal, restoration of the credits, and repayment.

PROCEDURAL HISTORY

Petitioner filed a § 2254 petition in federal district court after appealing his prison disciplinary conviction through the state administrative process. He did not show that he had pursued judicial review of his federal claims in state court. On initial review under Rule 4, the court dismissed the petition without prejudice for failure

to exhaust state judicial remedies, denied the fee application as moot, and declined to issue a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- *Preisier v. Rodriguez*, 411 U.S. 475, 489 (1973)
- *Wilkinson v. Dotson*, 544 U.S. 74, 79 (2005)
- *Wolff v. McDonnell*, 418 U.S. 539, 557-558 (1974)
- *Mallory v. Smith*, 27 F.3d 991, 992 (4th Cir. 1994)
- *Cannon v. Slagle*, 2017 WL 1458205, at *2 (W.D.N.C. Apr. 24, 2017)
- *Todd v. Baskerville*, 712 F.2d 70, 72 (4th Cir. 1983)
- *Picard v. Connor*, 404 U.S. 270, 275 (1971)
- *Baldwin v. Reese*, 541 U.S. 27, 29 (2004)
- *Jones v. Sussex I State Prison*, 591 F.3d 707, 712-13 (4th Cir. 2010)
- *Kornahrens v. Evatt*, 66 F.3d 1350, 1357 (4th Cir. 1995)
- *Coleman v. Thompson*, 501 U.S. 722, 729-30 (1991)
- *Duncan v. Henry*, 513 U.S. 364, 365-366 (1995)
- *Miller-El v. Cockrell*, 537 U.S. 322, 338 (2003)
- *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)