

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Stepan Botsvynyuk v. Warden E. Emmerich

Botsvynyuk · No. 25-cv-135-wmc · Decided February 18, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin denied Stepan Botsvynyuk’s 28 U.S.C. § 2241 petition challenging the Bureau of Prisons’ denial of First Step Act time credits. The court held that Botsvynyuk failed to exhaust administrative remedies and, independently, was ineligible for the credits because he was subject to a final order of removal; the case was dismissed with prejudice.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	William M. Conley
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	February 18, 2026
DOCKET	25-cv-135-wmc
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the Bureau of Prisons' calculation of petitioner's sentence and denial of First Step Act time credits.
STANDARD OF REVIEW	Whether the petition demonstrated that petitioner was in custody in violation of the Constitution or laws of the United States; exhaustion of administrative remedies was required before judicial review of the § 2241 sentence-computation claim.
PRECEDENTIAL VALUE	Unpublished district-court opinion; precedential status is not stated in the opinion.
PARTIES	Stepan Botsvynyuk v. Warden E. Emmerich

TOPICS

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

PRACTICE AREAS

Federal habeas corpus

Federal sentencing

Immigration law

Administrative exhaustion

QUESTIONS PRESENTED

1. Whether Botsvynyuk's § 2241 petition should be dismissed because he failed to exhaust available administrative remedies.
2. Whether a federal prisoner subject to a final order of removal is eligible to receive or apply First Step Act time credits.
3. Whether the district court could review the alleged procedural and constitutional invalidity of Botsvynyuk's removal order in a § 2241 proceeding.

HOLDINGS

1. A prisoner challenging the computation or execution of a federal sentence under § 2241 must exhaust administrative remedies before seeking relief in federal court; a general belief that exhaustion would be futile does not excuse the failure to exhaust.
2. A prisoner who is subject to a final order of removal under the immigration laws is ineligible to apply First Step Act time credits.
3. The district court could not review the validity of Botsvynyuk's removal order in his § 2241 proceeding because the REAL ID Act makes a petition for review in the appropriate court of appeals the sole and exclusive means of judicial review.

KEY QUOTATIONS

“No one can know whether administrative requests will be futile; the only way to find out is to try.”

“A prisoner is ineligible to apply time credits under subparagraph C if the prisoner is the subject of a final order of removal under any provision of the immigration laws[.]”

FACTUAL BACKGROUND

Stepan Botsvynyuk, a Ukrainian citizen, is serving a 240-month federal sentence at FCI-Oxford for a 2012 racketeering-conspiracy conviction from the Eastern District of Pennsylvania. He sought First Step Act time credits that would potentially shorten his imprisonment. The Bureau of Prisons' evidence showed that a final administrative removal order had issued against him on December 3, 2024, and the court concluded that this status excluded him from eligibility for the credits.

PROCEDURAL HISTORY

Botsvynyuk filed a § 2241 habeas petition asserting that the Bureau of Prisons improperly denied him earned First Step Act time credits. The respondent opposed the petition, arguing that Botsvynyuk failed to exhaust administrative remedies and submitting evidence that he was subject to a final order of removal, which made him ineligible for the credits. The district court denied the petition, dismissed the case with prejudice, and found the pending motions moot.

DISPOSITION

dismissed

CASES CITED

- Valona v. United States, 138 F.3d 693, 694 (7th Cir. 1998)
- Richmond v. Scibana, 387 F.3d 602, 604 (7th Cir. 2004)
- Clemente v. Allen, 120 F.3d 703, 705 (7th Cir. 1997) (per curiam)
- Perez v. Wisconsin Department of Corrections, 182 F.3d 532, 536 (7th Cir. 1999)

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