

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS

Aguiar v. Bowers

No. 25-cv-11307-ADB (D. Mass. Apr. 16, 2026) · No. 25-cv-11307-ADB · Decided April 16, 2026

SUMMARY

The United States District Court for the District of Massachusetts granted the respondent's motion to dismiss Stephen Aguiar's 28 U.S.C. § 2241 petition challenging a Bureau of Prisons public safety factor used in his security classification. The court held that the challenge fell within habeas jurisdiction but that review under the Administrative Procedure Act was unavailable because the public safety factor was assigned pursuant to 18 U.S.C. § 3621(b), and dismissed the petition with prejudice.

CASE DETAILS

COURT	United States District Court for the District of Massachusetts
WRITING FOR THE COURT	Allison D. Burroughs
JURISDICTION	United States District Court for the District of Massachusetts
DECIDED	April 16, 2026
DOCKET	25-cv-11307-ADB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner brought a 28 U.S.C. § 2241 habeas action challenging the Bureau of Prisons' assignment of a Greatest Severity public safety factor affecting his security classification and placement. Respondent moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).
STANDARD OF REVIEW	For Rule 12(b)(1), the court accepted the complaint's factual allegations at face value and construed them in the light most favorable to the petitioner, while requiring the petitioner to establish subject-matter jurisdiction. For Rule 12(b)(6), the court applied the plausibility standard and disregarded legal conclusions and conclusory recitals.
PRECEDENTIAL VALUE	unpublished
PARTIES	Stephen Aguiar v. Fred Bowers

TOPICS

federal habeas corpus

administrative procedure act

subject matter jurisdiction

motions to dismiss

administrative law

PRACTICE AREAS

Federal habeas corpus

Administrative law

Federal prison classification

Civil procedure

QUESTIONS PRESENTED

1. Whether a federal prisoner's challenge to a BOP public safety factor that affects eligibility for lower-security placement falls within habeas jurisdiction under 28 U.S.C. § 2241.
2. Whether the Administrative Procedure Act permits review of an individual BOP public safety factor decision made pursuant to 18 U.S.C. § 3621(b), in light of the exclusion in 18 U.S.C. § 3625.

HOLDINGS

1. A challenge to a BOP public safety factor falls within § 2241 habeas jurisdiction when success would make the prisoner eligible for a less restrictive form of confinement, including lower-security placement.
2. The APA does not provide a basis to review an individual BOP public safety factor decision because the decision is made pursuant to 18 U.S.C. § 3621(b), and 18 U.S.C. § 3625 makes the APA inapplicable to determinations, decisions, or orders under chapter 229, subchapter C.

KEY QUOTATIONS

“In other words, the petition, if successful, would make Aguiar eligible for a lower-security form of confinement, and for that reason it properly falls within the Court’s habeas jurisdiction.” (4)

“Accordingly, though both statutes play a role in the assignment of PSFs, individual PSF decisions are made pursuant to BOP’s authority to “designate the place of the prisoner’s imprisonment,” 18 U.S.C. § 3621(b),³ and APA review is thus unavailable, 18 U.S.C. § 3625.” (6)

FACTUAL BACKGROUND

In 2011, Aguiar was convicted and sentenced to 360 months' imprisonment for participating in a drug conspiracy involving heroin and more than five kilograms of cocaine, and he received a leadership-role sentencing enhancement. The Bureau of Prisons assigned him a Greatest Severity public safety factor under its inmate classification policy. That classification made him ineligible for lower-security placement and certain post-sentencing rehabilitation benefits.

PROCEDURAL HISTORY

Aguiar exhausted administrative challenges to the public safety factor and filed the petition on May 5, 2025. Respondent moved to dismiss on September 12, 2025, and Aguiar opposed the motion on October 20, 2025. The court held that it had habeas jurisdiction but dismissed the petition with prejudice because the challenged BOP determination was exempt from APA review under 18 U.S.C. § 3625.

DISPOSITION

dismissed

CASES CITED

- *Deniz v. Mun. of Guaynabo*, 285 F.3d 142, 149–50 (1st Cir. 2002)
- *N.E. Erectors Ass’n of BTEA v. Sec. of Lab., Occupational Safety & Health Admin.*, 62 F.3d 37, 39 (1st Cir. 1995)
- *Bell v. Hood*, 327 U.S. 678, 682 (1946)
- *Gordo-González v. United States*, 873 F.3d 32, 35 (1st Cir. 2017)
- *Muniz-Rivera v. United States*, 326 F.3d 8, 11 (1st Cir. 2003)
- *Menge v. N. Am. Specialty Ins. Co.*, 905 F. Supp. 2d 414, 416 (D.R.I. 2012)
- *Murphy v. United States*, 45 F.3d 520, 522 (1st Cir. 1995)
- *Royal v. Leading Edge Prods.*, 833 F.2d 1, 1 (1st Cir. 1987)
- *Guessefeldt v. McGrath*, 342 U.S. 308, 310 (1952)
- *Chongris v. Bd. of Appeals of Town of Andover*, 811 F.2d 36, 37 (1st Cir. 1987)
- *Klimowicz v. Deutsche Bank Nat’l Tr. Co.*, 907 F.3d 61, 64 (1st Cir. 2018)
- *A.G. ex rel. Maddox v. Elsevier, Inc.*, 732 F.3d 77, 80 (1st Cir. 2013)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Ocasio-Hernández v. Fortuño-Burset*, 640 F.3d 1, 12 (1st Cir. 2011)
- *Cockerham v. Boncher*, 125 F.4th 11, 13, 873–74 (1st Cir. 2024)
- *Muniz v. Sabol*, 517 F.3d 29, 31–34 (1st Cir. 2008)
- *Wallace v. Reno*, 194 F.3d 279, 284 (1st Cir. 1999)
- *Rogers v. United States*, 180 F.3d 349, 356–57 (1st Cir. 1999)
- *Graham v. Broglin*, 922 F.2d 379, 381 (7th Cir. 1991)
- *Block v. Bowers*, No. 25-cv-40031, 2026 WL 444642, at *3, *6–7 (D. Mass. Feb. 17, 2026)
- *Gonzalez v. United States*, 150 F. Supp. 2d 236, 241 (D. Mass. 2001)
- *Jiminian v. Nash*, 245 F.3d 144, 146 (2d Cir. 2001)
- *Musquiz v. Grondolsky*, No. 09-cv-40086, 2010 WL 2105939, at *3 (D. Mass. May 21, 2010)
- *Fox v. Lappin*, 409 F. Supp. 2d 79, 89 (D. Mass. 2006)
- *Golden v. Sabol*, No. 08-cv-40045, 2010 WL 11937105, at *4 n.15, *10 (D. Mass. Mar. 18, 2010)
- *Perez v. Lappin*, 672 F. Supp. 2d 35, 44 (D.D.C. 2009)
- *Burnham v. Marberry*, No. 07-cv-00097, 2008 WL 4190785, at *7 (W.D. Pa. Sept. 10, 2008)
- *Day v. Nash*, No. 05-cv-00797, 2005 WL 2654089, at *1 (D.N.J. Oct. 12, 2005), *aff’d*, 191 F. App’x 137 (3d Cir. 2006)
- *Pollock v. Kallis*, No. 20-cv-00359, 2021 WL 2710013, at *3 (D. Minn. July 1, 2021), *aff’d sub nom. Pollock v. Marske*, No. 21-cv-02570, 2022 WL 1218640 (8th Cir. Apr. 26, 2022)

- Lee v. Eng., No. 19-cv-03029, 2019 WL 3891147, at *9 (D. Kan. Aug. 19, 2019), aff'd sub nom. Jones v. Eng., 817 F. App'x 580 (10th Cir. 2020)

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