

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
ARKANSAS, DELTA DIVISION

Carlous Horton v. Warden, FCI-Forrest City

No. 2:25-cv-00176-JM-ERE, United States District Court for the Eastern District of Arkansas, Delta Division  
(December 18, 2025)

SUMMARY

In this Recommended Disposition, the court recommends dismissing Carlous Horton's 28 U.S.C. § 2241 petition without prejudice for lack of federal habeas jurisdiction. Horton challenged the Bureau of Prisons' calculation and application of First Step Act time credits to obtain earlier placement in prerelease custody. The court also recommends denying judicial notice and declining to permit conversion of the habeas petition into a conditions-of-confinement action.

CASE DETAILS

|                    |                                                                                                                        |
|--------------------|------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the Eastern District of Arkansas, Delta Division                                      |
| JURISDICTION       | United States District Court for the Eastern District of Arkansas, Delta Division                                      |
| DECIDED            | December 18, 2025                                                                                                      |
| DOCKET             | 2:25-cv-00176-JM-ERE                                                                                                   |
| DISPOSITION        | dismissed                                                                                                              |
| PROCEDURAL POSTURE | Recommended Disposition on Respondent's motion to dismiss the habeas petition for lack of subject matter jurisdiction. |
| PRECEDENTIAL VALUE | unpublished                                                                                                            |

TOPICS

- [federal habeas corpus](#) [subject matter jurisdiction](#) [post-conviction relief](#)

PRACTICE AREAS

- [habeas corpus](#) [federal criminal law](#)

QUESTIONS PRESENTED

1. Whether federal habeas jurisdiction under 28 U.S.C. § 2241 exists over a petition challenging the BOP's calculation and application of First Step Act time credits toward pre-release custody placement.

2. Whether a challenge to pre-release custody placement constitutes a challenge to the 'fact or duration' of detention necessary for habeas jurisdiction.
3. Whether the petitioner raises a potentially viable conditions-of-confinement claim that would warrant conversion of the habeas petition.

## HOLDINGS

1. Federal habeas jurisdiction is lacking because seeking earlier placement in pre-release custody does not challenge the fact or duration of detention; it only changes the place where the sentence is served.
2. The petitioner fails to raise a potentially viable conditions-of-confinement claim because prisoners have no protected liberty interest in assignment to a particular place of confinement, and he alleges no facts of invidious or retaliatory placement decisions.

## KEY QUOTATIONS

*“The essence of habeas corpus is an attack by a person in custody upon the legality of that custody.”*

*“Placement in pre-release custody changes only the place where a sentence is served; it does not alter the fact or duration of imprisonment—an essential component of federal habeas jurisdiction.”*

*“[C]onstitutionally speaking, such assignments are discretionary, so long as they are not done for prohibited or invidious reasons and do not rise to independent constitutional violations of their own weight.”*

## FACTUAL BACKGROUND

Carlous Horton is a federal inmate serving a sentence reduced to 280 months via executive clemency. He alleges the BOP has miscalculated his earned time credits under the First Step Act (FSA), asserting his correct pre-release placement date was January 2025. The BOP applied his 365 days of earned credits toward the maximum 12-month early transfer to supervised release. He seeks an order for the BOP to properly calculate and apply additional credits toward pre-release placement.

## PROCEDURAL HISTORY

Petitioner, a federal inmate, filed a pro se habeas corpus petition under 28 U.S.C. § 2241 challenging the BOP's calculation of his First Step Act time credits. Respondent moved to dismiss for lack of subject matter jurisdiction. The Magistrate Judge issued this Recommended Disposition recommending dismissal.

## DISPOSITION

dismissed

## CASES CITED

- Kruger v. Erickson, 77 F.3d 1071 (8th Cir. 1996)
- Preiser v. Rodriguez, 411 U.S. 475 (1973)
- Spencer v. Haynes, 774 F.3d 467 (8th Cir. 2014)

- United States v. Houck, 2 F.4th 1082 (8th Cir. 2021)
- Elwood v. Jeter, 386 F.3d 842 (8th Cir. 2004)
- Miller v. Whitehead, 527 F.3d 752 (8th Cir. 2008)
- Fults v. Sanders, 442 F.3d 1088 (8th Cir. 2006)
- Moorman v. Thalacker, 83 F.3d 970 (8th Cir. 1996)
- Meachum v. Fano, 427 U.S. 215 (1976)
- Staszak v. Romine, 221 F.3d 1344 (8th Cir. 2000)
- Powell v. Humphrey, No. 2:25-CV-00082-JM-JJV, 2025 WL 2233978 (E.D. Ark. July 15, 2025)
- Fongers v. Garrett, No. 2:24-cv-00046-LPR-PSH, 2024 WL 3625237 (E.D. Ark. Aug. 1, 2024)

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