

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Rodriguez-Garcia v. Warden, FCI-Herlong

No. 2:23-cv-0849-TLN-SCR (HC) · No. No. 2:23-cv-0849-TLN-SCR (HC) · Decided November 5, 2025

SUMMARY

A magistrate judge recommends denying Miguel Rodriguez-Garcia’s 28 U.S.C. § 2241 petition seeking application of earned time credits under the First Step Act. The court concludes that petitioner was subject to a final reinstated order of removal by approximately July 2024, before the credits could have been applied toward early release, making him ineligible for the requested relief. The findings and recommendations were submitted to the district judge subject to objections within 21 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 5, 2025
DOCKET	No. 2:23-cv-0849-TLN-SCR (HC)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241, asking the Bureau of Prisons to apply earned time credits under the First Step Act to advance his release date. Respondent moved to dismiss, and the magistrate judge construed the renewed motion to dismiss as an answer and recommended denial of the petition on the merits.
STANDARD OF REVIEW	The court considered whether petitioner was entitled to habeas relief under § 2241 based on the execution and computation of his federal sentence. The findings and recommendations were subject to de novo review by the assigned district judge upon timely objection under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Miguel Rodriguez-Garcia v. Warden, FCI-Herlong

TOPICS

federal habeas corpus

sentence modification

removal proceedings

immigration

statutory interpretation

PRACTICE AREAS

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Federal sentencing

Immigration law

QUESTIONS PRESENTED

1. Whether a challenge to the Bureau of Prisons' computation and application of First Step Act earned time credits is properly brought under 28 U.S.C. § 2241.
2. Whether a reinstated removal order qualifies as a final order of removal under 18 U.S.C. § 3632(d)(4)(E)(i).
3. When a reinstated removal order becomes final for purposes of the First Step Act's exclusion of prisoners subject to final orders of removal.
4. Whether petitioner was eligible to apply his claimed First Step Act earned time credits where the reinstated removal order became final before the credits could have been applied to an early release date.

HOLDINGS

1. A federal prisoner's challenge to the Bureau of Prisons' computation of the sentence and application of earned time credits is properly raised under 28 U.S.C. § 2241 because it concerns the manner in which the sentence is executed.
2. A reinstated removal order is a type of final order of removal covered by 18 U.S.C. § 3632(d)(4)(E)(i), and it becomes final immediately upon issuance once the legally required notice is provided.
3. Petitioner was not eligible for habeas relief because his reinstated removal order became final in or around July 2024, before the claimed First Step Act credits could have been applied to an early release date in November 2024.

KEY QUOTATIONS

“This phrase seemingly refers to an order of removal that can presently be executed, not some previous order of removal that was already executed.” (at 8)

“Because an alien in streamlined removal proceedings cannot seek review of his FARO before an [immigration judge] or the BIA, the period to seek review ‘expir[es]’ as soon as the FARO is issued—meaning that the order becomes final immediately upon issuance.” (at 9)

“It cannot be that petitioner’s 2016 Reinstated Order became final, with the 30-day timeline for him to petition for review of that order expiring long ago, despite the absence of notice.” (at 10)

FACTUAL BACKGROUND

Petitioner was serving a 135-month federal sentence for possession with intent to distribute methamphetamine and illegal reentry. He sought application of 365 days of First Step Act earned time credits, which he claimed would advance his projected release date from November 23, 2025, to November 23, 2024. Immigration

authorities had previously removed petitioner several times and issued a 2016 reinstated removal order that was not initially served on him. The record indicated that petitioner received the reinstated order in or around July 2024, before the date on which he sought application of the credits.

PROCEDURAL HISTORY

Petitioner filed the § 2241 petition on April 28, 2023. The court previously excused exhaustion because of petitioner's impending release date. Respondent later submitted evidence of a reinstated removal order and renewed the motion to dismiss. The magistrate judge issued findings and recommendations recommending denial of the petition and resolution of the motion to dismiss as construed.

DISPOSITION

other

CASES CITED

- United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980)
- Hernandez v. Campbell, 204 F.3d 861, 864 (9th Cir. 2000) (per curiam)
- Zavala v. Ives, 785 F.3d 367, 370 n.3 (9th Cir. 2015)
- Alatorre v. Derr, No. CV 22-00516 JMS-WRP, 2023 WL 2599546, at *5 (D. Haw. Mar. 22, 2023)
- Morales-Izquierdo v. Gonzales, 486 F.3d 484, 487 (9th Cir. 2007) (en banc)
- Riley v. Bondi, 145 S. Ct. 2190 (2025)
- Vega-Anguiano v. Barr, 982 F.3d 542, 545 (9th Cir. 2019)
- Villegas de la Paz v. Holder, 640 F.3d 650, 654 (6th Cir. 2010)
- Villalobos-Arellano v. Ashcroft, 123 Fed. Appx. 790, 791 (9th Cir. 2005)
- Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950)
- Bailon v. Birkholz, No. CV 23-8606 SB, 2024 WL 2160917, at *2 (C.D. Cal. Apr. 5, 2024), adopted by 2024 WL 2158235 (May 13, 2024)
- Martin v. Phillips, 2025 WL 732829, at *5 (E.D. Cal. Mar. 7, 2025)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)