

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, NORTHERN DIVISION

Jose Abel Ramos-Cruz v. Warden Childress

Civil Action No. 3:25-CV-817-KHJ-MTP (S.D. Miss. June 9, 2026) · No. 3:25-CV-817-KHJ-MTP · Decided
June 9, 2026

SUMMARY

The United States District Court for the Southern District of Mississippi adopted the magistrate judge’s report and recommendation and dismissed Jose Abel Ramos-Cruz’s habeas petition without prejudice. The court held that Ramos-Cruz failed to exhaust administrative remedies or demonstrate extraordinary circumstances warranting waiver of exhaustion, and no party objected to the report.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Northern Division
JURISDICTION	United States District Court for the Southern District of Mississippi, Northern Division
DECIDED	June 9, 2026
DOCKET	3:25-CV-817-KHJ-MTP
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal without prejudice of a federal habeas petition.
STANDARD OF REVIEW	When no timely objection is filed to a magistrate judge's report and recommendation, the district court applies the clearly erroneous, abuse of discretion, and contrary to law standard rather than de novo review.
PRECEDENTIAL VALUE	Unknown
PARTIES	Jose Abel Ramos-Cruz v. Warden Childress

TOPICS

- federal habeas corpus
- exhaustion of remedies
- post-conviction relief
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation when no party filed timely objections.
2. Whether Ramos-Cruz's federal habeas petition should be dismissed without prejudice for failure to exhaust administrative remedies or demonstrate extraordinary circumstances warranting waiver of exhaustion.

HOLDINGS

1. When no party timely objects to a magistrate judge's report and recommendation, the district court reviews the report under the clearly erroneous, abuse of discretion, and contrary to law standard rather than conducting de novo review.
2. The petition was properly dismissed without prejudice because Ramos-Cruz failed to exhaust administrative remedies and did not demonstrate extraordinary circumstances warranting waiver of the exhaustion requirement.

KEY QUOTATIONS

"the 'clearly erroneous, abuse of discretion and contrary to law' standard of review." (864 F.2d 1219, 1221)

FACTUAL BACKGROUND

Jose Abel Ramos-Cruz was incarcerated at the Federal Correctional Institution in Yazoo City, Mississippi. He claimed that the First Step Act entitled him to time credits that the Bureau of Prisons had refused to apply to his sentence. The court accepted the finding that he had not exhausted administrative remedies and had not demonstrated extraordinary circumstances justifying waiver of exhaustion.

PROCEDURAL HISTORY

Ramos-Cruz filed a pro se petition for a writ of habeas corpus, asserting that the First Step Act entitled him to time credits that the Bureau of Prisons had not applied to his sentence. Magistrate Judge Michael T. Parker recommended dismissal without prejudice because Ramos-Cruz had failed to exhaust administrative remedies and had not shown extraordinary circumstances warranting waiver of exhaustion. No party filed timely objections, so the district court reviewed the Report under the clearly erroneous, abuse of discretion, and contrary to law standard, adopted it, and dismissed the case without prejudice.

DISPOSITION

dismissed

CASES CITED

- 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam)

OPINION

Ramos-Cruz

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF MISSISSIPPI

NORTHERN DIVISION

JOSE ABEL RAMOS-CRUZ PETITIONER

V. CIVIL ACTION NO. 3:25-CV-817-KHJ-MTP

WARDEN CHILDRESS RESPONDENT

ORDER

Before the Court is Magistrate Judge Michael T. Parker's [11] Report and Recommendation. The [11] Report recommends dismissing without prejudice pro se Plaintiff Jose Abel Ramos-Cruz's ("Ramos-Cruz") [1] Petition for Writ of Habeas Corpus. R. & R. [11] at 1. The Court adopts the [11] Report. Ramos-Cruz is an inmate at the Federal Correctional Institute in Yazoo City, Mississippi. Pet. [1] at 2. He contends the First Step Act ("FSA") entitles him to time credit which the Bureau of Prisons refuses to apply to his sentence. at 2–3. The [11] Report recommends dismissing the [1] Petition for failure to exhaust administrative remedies or demonstrate extraordinary circumstances that warrant waiving the exhaustion requirement. [11] at 5. Written objections to the [11] Report were due by June 1, 2026. at 6. The [11] Report notified the parties that failure to file written objections by that date would bar further appeal in accordance with 28 U.S.C. § 636. No party objected to the [11] Report, and the time to do so has passed. The Court must review de novo a magistrate judge's report only when a party objects to the report within 14 days after being served with a copy. 28 U.S.C. § 636(b)(1). When no party timely objects to the report, the Court applies "the 'clearly erroneous, abuse of discretion and contrary to law' standard of review." , 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam). Finding the [11] Report neither clearly erroneous, contrary to law, nor an abuse of discretion, the Court adopts it and dismisses this case without prejudice. In doing so, the Court has considered all arguments raised. Those arguments not addressed would not have altered the Court's decision. The Court will enter a separate final judgment consistent with this Order. SO ORDERED, this 9th day of June, 2026. s/ UNITED STATES DISTRICT JUDGE