

**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.

OPINION

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