

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, LAKE CHARLES DIVISION

Jesus Mayorga-Gonzalez v. N. Pate

Mayorga-Gonzalez v. Pate · No. 2:25-cv-01490 · Decided February 6, 2026

SUMMARY

The magistrate judge recommends denying and dismissing with prejudice Jesus Mayorga-Gonzalez’s 28 U.S.C. § 2241 petition challenging the Bureau of Prisons’ refusal to apply First Step Act time credits. Because Mayorga-Gonzalez is subject to a final order of removal, the court concludes that 18 U.S.C. § 3632(d)(4)(E) makes him ineligible to apply those credits.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Lake Charles Division
WRITING FOR THE COURT	P. Leblanc, United States Magistrate Judge
JURISDICTION	United States District Court for the Western District of Louisiana, Lake Charles Division
DECIDED	February 6, 2026
DOCKET	2:25-cv-01490
DISPOSITION	other
PROCEDURAL POSTURE	Pro se federal prisoner petitioned for a writ of habeas corpus under 28 U.S.C. § 2241, challenging the Bureau of Prisons' determination that he could not apply First Step Act time credits because he was subject to a final order of removal. The magistrate judge issued a Report and Recommendation that the petition be denied and dismissed with prejudice.
STANDARD OF REVIEW	The petition was reviewed under the standards applicable to a § 2241 habeas petition and for failure to state a claim for relief. The Report and Recommendation was subject to district-court review under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b).
PRECEDENTIAL VALUE	Unknown; Report and Recommendation from a federal district court with no reporter citation.

TOPICS

federal habeas corpus

sentence modification

immigration detention

criminal immigration

post-conviction relief

PRACTICE AREAS

Federal habeas corpus

Immigration law

Federal sentencing and prison administration

QUESTIONS PRESENTED

1. Whether a federal prisoner subject to a final order of removal is eligible to have earned First Step Act time credits applied to his sentence.
2. Whether the Bureau of Prisons had discretion to restore or apply the petitioner's earned First Step Act time credits despite the final order of removal.

HOLDINGS

1. A prisoner who is the subject of a final order of removal is ineligible to apply First Step Act time credits to his sentence under 18 U.S.C. § 3632(d)(4)(E).

KEY QUOTATIONS

“A prisoner is ineligible to apply time credits under subparagraph (C) if the prisoner is the subject of a final order of removal under any provision of the immigration laws (as such term is defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).”

“Because Petitioner is subject to a final order of removal, he is ineligible to have the FSA Time Credits he has earned applied to his sentence.”

“Accordingly, IT IS RECOMMENDED that the petition be DENIED and DISMISSED WITH PREJUDICE.”

FACTUAL BACKGROUND

Mayorga-Gonzalez is a Bureau of Prisons inmate incarcerated at the Federal Correctional Center in Oakdale, Louisiana. He challenged the BOP's determination that he was ineligible to apply earned First Step Act time credits because he was an illegal alien and sought restoration of the credits for an earlier release to Immigration and Customs Enforcement custody. He did not dispute that he was subject to a final order of removal entered on November 8, 2023.

PROCEDURAL HISTORY

Jesus Mayorga-Gonzalez filed the § 2241 petition on October 3, 2025. The matter was referred to the magistrate judge for review and recommendation under 28 U.S.C. § 636 and the court's standing orders. The Report and Recommendation recommended denial and dismissal with prejudice and advised the parties of their fourteen-day period for objections.

DISPOSITION

other

CASES CITED

- *Douglass v. United Services Automobile Ass’n*, 79 F.3d 1415, 1429-30 (5th Cir. 1996)

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