

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Fernando Ramos-Meza v. Warden E. Emmerich

No. 25-cv-978-jdp (W.D. Wis. Apr. 13, 2026) · No. 25-cv-978-jdp · Decided April 13, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin denied Fernando Ramos-Meza’s petition for habeas corpus under 28 U.S.C. § 2241. The court held that his reinstated final order of removal made him ineligible to apply First Step Act time credits toward early release, notwithstanding his pending asylum-related proceedings.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	James D. Peterson
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	April 13, 2026
DOCKET	25-cv-978-jdp
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 seeking an order requiring the Bureau of Prisons to apply First Step Act time credits toward earlier release.
STANDARD OF REVIEW	The court reviewed the § 2241 habeas claim under the governing statutory eligibility provisions for First Step Act time credits.
PRECEDENTIAL VALUE	Unpublished district court opinion
PARTIES	Fernando Ramos-Meza v. Warden E. Emmerich

TOPICS

- federal habeas corpus
- removal proceedings
- post-conviction relief
- statutory interpretation

PRACTICE AREAS

- Federal habeas corpus
- Immigration law
- Post-conviction relief
- Statutory interpretation

QUESTIONS PRESENTED

1. Whether a prisoner subject to a reinstated final order of removal is eligible to apply First Step Act time credits toward early release.
2. Whether a pending request for asylum status prevents a final order of removal from disqualifying a prisoner from applying First Step Act time credits.
3. Whether the district court may review the validity of the final order of removal in a § 2241 proceeding.

HOLDINGS

1. A prisoner who is the subject of a final order of removal is ineligible to apply First Step Act time credits toward early release under 18 U.S.C. § 3632(d)(4)(E)(i). Because DHS reinstated Ramos-Meza's 2011 removal order, the Bureau of Prisons could not apply his credits.
2. A pending request for asylum status does not prevent a final order of removal from remaining effective or from disqualifying the prisoner from applying First Step Act time credits.
3. The district court could not review the validity of Ramos-Meza's final order of removal in this habeas proceeding.

KEY QUOTATIONS

“[a] prisoner is ineligible to apply time credits . . . if the prisoner is the subject of a final order of removal under any provision of the immigration laws”

FACTUAL BACKGROUND

Ramos-Meza, a Mexican citizen, had previously been removed from the United States in 2011 and 2012 and was serving a sentence for conspiracy to distribute methamphetamine. He had accrued enough First Step Act time credits to advance his projected supervised-release placement by approximately one year. While the petition was pending, the Department of Homeland Security reinstated the 2011 order of removal, and Ramos-Meza continued litigating an asylum request.

PROCEDURAL HISTORY

Ramos-Meza filed a pro se § 2241 habeas petition while incarcerated at FCI-Oxford. During the proceeding, the Department of Homeland Security reinstated a 2011 order of removal. The district court held that the reinstated removal order made Ramos-Meza ineligible to apply First Step Act time credits toward early release and denied the petition.

DISPOSITION

dismissed

CASES CITED

- Altamirano v. Emmerich, No. 25-cv-575-jdp, 2025 WL 3251106, at *1 (W.D. Wis. Nov. 21, 2025)
- Orji v. Warden, FCI Oxford, No. 24-cv-300-jdp, 2026 WL 194517, at *2 (W.D. Wis. Jan. 26, 2026)

OPINION

Fernando Ramos-Meza v. Warden E. Emmerich

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

FERNANDO RAMOS-MEZA,

Petitioner, OPINION and ORDER v. 25-cv-978-jdp

WARDEN E. EMMERICH,

Respondent. Fernando Ramos-Meza, an inmate at FCI-Oxford who is proceeding without counsel, seeks habeas corpus relief under 28 U.S.C. § 2241, seeking an order directing the Bureau of Prisons to apply First Step Act time credits that he says would entitle him to immediate early release. But Ramos-Meza is the subject of a final order of removal, which disqualifies him from applying those time credits toward early release. I will deny his petition.

ANALYSIS

Ramos-Meza is a Mexican citizen who has been removed from the United States in both 2011 and 2012. Ramos-Meza is currently serving a sentence for conspiracy to distribute methamphetamine; with his good-time credits, he is currently scheduled for placement on supervised release in March 2027. He has accrued enough First Step Act time credits to move that placement up by a year. But the BOP won't apply those credits. When Ramos-Meza filed this habeas petition, he said that United States Immigration and Customs Enforcement had lodged an immigration detainer against him because he is the subject of a final order of deportation, but that he was still litigating his request for asylum status, and that he was subject only to the detainer. During the pendency of this petition, the Department of Homeland Security reinstated the 2011 order of removal. Dkt. 10-8. That means that the BOP cannot now apply his First Step Act credits. See 18 U.S.C. § 3632(d)(4)(E)(i) (“[a] prisoner is ineligible to apply time credits . . . if the prisoner is the subject of a final order of removal under any provision of the immigration laws”); *Altamirano v. Emmerich*, No. 25-cv-575-jdp, 2025 WL 3251106, at *1 (W.D. Wis. Nov. 21, 2025) (“the plain language of the First Step Act precludes application of earned credits once a final order of removal is reinstated, even after a habeas petition was filed.”). Ramos-Meza argues that the 2011 final order of removal cannot stop the BOP from applying his time credits because he is litigating a request for asylum status. But his removal order remains in effect unless he prevails in proceedings before the immigration courts or a court of appeals. *Orji v. Warden, FCI Oxford*, No. 24-cv-300-jdp, 2026 WL 194517, at *2 (W.D. Wis. Jan. 26, 2026). And he can't challenge the validity of his removal order in this district court. See 8 U.S.C. § 1252(a)(5) (generally, only the court of appeals has jurisdiction to review final orders of removal). So I will deny his habeas petition.

ORDER

IT IS ORDERED that:

1. Petitioner Fernando Ramos-Meza's petition for writ of habeas corpus under

28 U.S.C. § 2241 is DENIED.

2. The clerk of court is directed to enter judgment and close this case.

Entered April 13, 2026. BY THE COURT: /s/_____

JAMES D. PETERSON

District Judge