

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Dennis Michael Roe Jr. v. Warden, FCI-Leavenworth

Roe v. Warden · No. 25-3176-JWL · Decided December 17, 2025

SUMMARY

The United States District Court for the District of Kansas denied Dennis Michael Roe Jr.'s pro se petition for habeas corpus under 28 U.S.C. § 2241. The court held that Roe failed to exhaust available Bureau of Prisons administrative remedies and did not establish futility. The court also concluded that Roe had not shown entitlement to relief concerning First Step Act credits, prerelease custody, or delayed drug-treatment programming.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	December 17, 2025
DOCKET	25-3176-JWL
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241, challenging the Bureau of Prisons' calculation and application of First Step Act credits, denial of transfer to prerelease custody, and delay in completing a drug treatment program. The district court denied the petition.
STANDARD OF REVIEW	The court considered whether habeas relief was available under § 2241 and whether the petition should be denied for failure to exhaust administrative remedies. It also assessed whether petitioner showed custody in violation of the Constitution or federal law.
PRECEDENTIAL VALUE	unpublished
PARTIES	Dennis Michael Roe Jr. v. Warden, FCI-Leavenworth

TOPICS

- federal habeas corpus
- exhaustion of remedies
- sentence modification
- administrative law
- post-conviction relief

PRACTICE AREAS

Federal habeas corpus

Prisoner litigation

Administrative exhaustion

Federal sentencing credits

QUESTIONS PRESENTED

1. Whether the § 2241 petition should be denied because petitioner failed to exhaust available administrative remedies.
2. Whether petitioner established that exhaustion would be futile under the narrow exception to the exhaustion requirement.
3. Whether petitioner demonstrated that the Bureau of Prisons failed to recognize earned First Step Act credits.
4. Whether petitioner established eligibility for immediate transfer to prerelease custody under 18 U.S.C. § 3624(g).
5. Whether the alleged delay in completing a drug treatment program affected execution of the sentence sufficiently to warrant habeas relief.

HOLDINGS

1. A petitioner seeking § 2241 habeas relief must exhaust available administrative remedies before seeking relief in federal court, and Roe's conceded failure to exhaust supported denial of his petition.
2. The narrow futility exception to § 2241 exhaustion requires a petitioner to demonstrate extraordinary circumstances showing that administrative exhaustion would be futile; generalized allegations of widespread Bureau of Prisons errors are insufficient without supporting evidence.
3. A district court may deny an unexhausted habeas claim on the merits.
4. Petitioner was not entitled to § 2241 relief based on alleged failure to apply First Step Act credits because he did not show that the Bureau of Prisons had failed to recognize the 180 days of credits he identified.
5. Petitioner did not establish eligibility for immediate transfer to prerelease custody under 18 U.S.C. § 3624(g) because he did not show that he had earned credits equal to the remainder of his term of imprisonment.
6. The alleged delay in completing the drug treatment program did not establish entitlement to habeas relief because petitioner remained eligible for a possible one-year sentence reduction under 18 U.S.C. § 3621(e) upon eventual completion of the program.

KEY QUOTATIONS

“The exhaustion of available administrative remedies is a prerequisite for § 2241 habeas relief” (at 1)

“A narrow exception to the exhaustion requirement applies if a petitioner can demonstrate that exhaustion is futile.” (at 2)

FACTUAL BACKGROUND

Dennis Michael Roe Jr. is incarcerated within the District of Kansas and is serving a 240-month sentence with a projected release date of July 2, 2032. He alleged that the Bureau of Prisons failed to calculate or apply credits earned under the First Step Act, improperly denied transfer to prerelease custody, and delayed his completion of a drug treatment program. Roe conceded that he had not exhausted administrative remedies and relied on alleged widespread Bureau of Prisons practices to argue that exhaustion would be futile, but he offered no supporting evidence.

PROCEDURAL HISTORY

Roe, a federal prisoner serving a 240-month sentence, filed a pro se § 2241 petition in the District of Kansas. The respondent filed an answer, and Roe did not file a timely traverse or reply. The court denied the petition both because Roe failed to exhaust available administrative remedies and because he failed to establish entitlement to relief on the merits.

DISPOSITION

writ_denied

CASES CITED

- Garza v. Davis, 596 F.3d 1198, 1203-04 (10th Cir. 2010)
- Garner v. United States, 2021 WL 3856618, at *2 (D. Kan. Aug. 30, 2021)
- Montez v. McKinna, 208 F.3d 862, 866 (10th Cir. 2000)
- Arellano v. Warden, No. 25-751 (W.D. Tex.)