

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Dominique D. Thomas v. Tim Carter

Thomas v. Carter · No. CIV-25-00321-JD · Decided March 6, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma adopted a magistrate judge’s Report and Recommendation and denied Dominique D. Thomas’s 28 U.S.C. § 2241 habeas petition and motion to proceed without delay. The court held that time credited toward Thomas’s state sentence could not also be credited toward his federal sentence under 18 U.S.C. § 3585(b), and that Thomas waived review by failing to object to the Report and Recommendation.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Jodi W. Dishman
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	March 6, 2026
DOCKET	CIV-25-00321-JD
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending denial of a federal habeas petition under 28 U.S.C. § 2241 and a motion to proceed without delay. The petitioner filed no objections, so the court applied the Tenth Circuit's firm waiver rule, accepted the Report and Recommendation, and alternatively conducted de novo review.
STANDARD OF REVIEW	Absent a timely and specific objection to a magistrate judge's report and recommendation, the petitioner waives appellate review of factual and legal issues under the Tenth Circuit's firm waiver rule, subject to exceptions for inadequate notice or the interests of justice. The district court alternatively reviewed the recommendation de novo.
PRECEDENTIAL VALUE	Unknown; district court order
PARTIES	Dominique D. Thomas v. Tim Carter

TOPICS

federal habeas corpus

waiver

appellate procedure

sentence modification

motions to dismiss

PRACTICE AREAS

federal habeas corpus

post-conviction relief

criminal sentencing

appellate procedure

QUESTIONS PRESENTED

1. Whether Thomas waived appellate and district-court review of the magistrate judge's Report and Recommendation by failing to file timely objections.
2. Whether the Bureau of Prisons properly denied Thomas credit against his federal sentence for time already credited toward his Nebraska state sentence under 18 U.S.C. § 3585(b).
3. Whether Thomas's motion to proceed without delay should be granted.
4. Whether any intended downward departure or variance for time served could be pursued through a § 2241 petition rather than through a motion under 28 U.S.C. § 2255 in the sentencing court.

HOLDINGS

1. A petitioner who receives adequate notice of the objection deadline and the consequences of failing to object, but files no timely objection, waives review of the magistrate judge's factual and legal conclusions under the Tenth Circuit's firm waiver rule.
2. Under 18 U.S.C. § 3585(b), time credited against a state sentence cannot also be credited against a federal sentence.
3. A federal sentencing court's recommendation that the BOP award time credit does not authorize credit prohibited by § 3585(b), and the sentencing court cannot itself apply § 3585(b) credit at sentencing.
4. To the extent Thomas sought a sentencing adjustment or downward departure for time served on a discharged state sentence, that relief could not be obtained through § 2241 and instead had to be pursued before the sentencing court through a motion under § 2255.
5. Thomas's motion to proceed without delay lacked merit and was denied.

KEY QUOTATIONS

“Under 18 U.S.C. § 3585(b), a defendant may receive credit toward his federal sentence for time spent in official detention prior to the date the sentence commences, but not if that time “has . . . been credited against another sentence.”” (at 4–5)

“Congress made clear that a defendant could not receive a double credit for his detention time.” (at 5)

“After a district court sentences a federal offender, the Attorney General, through the BOP, has the responsibility for administering the sentence.” (at 5)

“is not. . . properly raised in a § 2241 habeas petition” (at 6)

FACTUAL BACKGROUND

Thomas sought credit against his federal sentence for time spent in Nebraska state custody from March 23, 2020, through November 16, 2020. That period was credited toward his Nebraska state sentence, which began on March 23, 2020, and from which he was released on parole on November 16, 2020. Although the Nebraska sentencing court recommended that he receive credit for the time served, the Bureau of Prisons declined to apply the credit to his federal sentence.

PROCEDURAL HISTORY

Thomas filed a § 2241 petition seeking federal-sentence credit for time served on a Nebraska state sentence and moved to proceed without delay. The respondent filed a motion to dismiss, and Magistrate Judge Amanda L. Maxfield recommended denying both the petition and the motion. After Thomas failed to object by the prescribed deadline, the district court accepted the recommendation, denied both requests for relief, and stated that a separate judgment would follow.

DISPOSITION

other

CASES CITED

- United States v. 2121 E. 30th St., 73 F.3d 1057, 1060 (10th Cir. 1996)
- Smith v. Dorsey, No. 93-2229, 1994 WL 396069, at *3 (10th Cir. July 29, 1994) (unpublished)
- Ayala v. United States, 980 F.2d 1342, 1352 (10th Cir. 1992)
- Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991)
- Morales-Fernandez v. I.N.S., 418 F.3d 1116, 1119–20 (10th Cir. 2005)
- Binford v. United States, 436 F.3d 1252, 1255 (10th Cir. 2006)
- United States v. Wilson, 503 U.S. 329, 333, 335, 337 (1992)
- Fuimaona v. Hudson, 845 F. App'x 795, 796 (10th Cir. 2021) (unpublished)
- Bradshaw v. Story, 86 F.3d 164, 165–66 (10th Cir. 1996)