

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Raymont Bailey v. Pennsylvania Parole Board

Bailey · No. No. 4:25-CV-00697 · Decided December 18, 2025

SUMMARY

The United States District Court for the Middle District of Pennsylvania grants Raymont Bailey’s petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court holds that the Pennsylvania Parole Board violated the Ex Post Facto Clause by applying a 2021 statutory amendment to forfeit 569 days of street-time credit previously awarded to Bailey as a technical parole violator. The court vacates the Board’s decision in part and directs it to recalculate Bailey’s maximum parole violation sentence date by reinstating the credit.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Matthew W. Brann
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	December 18, 2025
DOCKET	No. 4:25-CV-00697
DISPOSITION	vacated
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a Pennsylvania Parole Board parole-revocation decision on Ex Post Facto Clause grounds.
STANDARD OF REVIEW	The court reviewed the habeas petition under 28 U.S.C. § 2254 and considered the constitutional claim on the undisputed record. For the Ex Post Facto Clause issue, the court applied the two-part inquiry of whether a change in law or policy was given retrospective effect and whether the offender was disadvantaged by the change.
PRECEDENTIAL VALUE	Unknown; memorandum opinion from a federal district court.
PARTIES	Raymont Bailey v. Pennsylvania Parole Board

TOPICS

- federal habeas corpus
- ex post facto
- exhaustion of remedies
- post-conviction relief
- remedies

PRACTICE AREAS

Federal habeas corpus

Constitutional law

Parole and probation

Post-conviction relief

QUESTIONS PRESENTED

1. Whether the Pennsylvania Parole Board violated the Ex Post Facto Clause by applying the 2021 amendment to 61 Pa. Cons. Stat. § 6138(c)(2) to forfeit 569 days of street-time credit that Bailey had been awarded in 2017 before the amendment.
2. Whether the federal court should deny habeas relief for failure to exhaust the federal constitutional claim in state court when the respondent did not assert exhaustion as a defense.

HOLDINGS

1. The Parole Board violated the Ex Post Facto Clause by applying the 2021 amendment to 61 Pa. Cons. Stat. § 6138(c)(2) to Bailey's pre-amendment conduct and previously awarded street-time credit, thereby adding 569 days to his parole-violation maximum date.
2. The court declined to raise nonexhaustion sua sponte and considered the merits because the respondent forfeited the exhaustion defense and the record was well developed while the merits strongly supported relief.

KEY QUOTATIONS

"In sum, the Parole Board's March 16, 2023 decision to refuse to credit Bailey with 569 days of street time previously awarded to him in 2017 as a TPV violates the Ex Post Facto Clause of the United States Constitution."

FACTUAL BACKGROUND

Bailey was sentenced in 2014 and released on parole in August 2015. After he was recommitted as a technical parole violator in 2017, the Board credited him with 569 days of street time, leaving his original maximum date unchanged. Following new aggravated-assault and related convictions in 2022, the Board recommitted him as a convicted parole violator in 2023 and, relying on the 2021 amendment to Pennsylvania's parole statute, forfeited the previously awarded 569 days of credit.

PROCEDURAL HISTORY

Bailey was recommitted by the Pennsylvania Parole Board in March 2023 as a convicted parole violator after new convictions, and the Board denied credit for 569 days of street time previously awarded to him as a technical parole violator. The Pennsylvania Commonwealth Court affirmed, and the Supreme Court of Pennsylvania denied allowance of appeal. Bailey then filed this federal § 2254 petition; the district court declined to raise exhaustion sua sponte and granted relief on the merits.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The Pennsylvania Parole Board must correct its recommitment calculations by reinstating Bailey's 569 days of street-time credit previously awarded to him as a technical parole violator. The Board's March 16, 2023 decision is vacated in part.

CASES CITED

- *Carpenter v. Vaughn*, 296 F.3d 138 (3d Cir. 2002)
- *O'Sullivan v. Boerckel*, 526 U.S. 838 (1999)
- *Johnson v. Williams*, 568 U.S. 289 (2013)
- *Martinez v. Ryan*, 566 U.S. 1 (2012)
- *Coleman v. Thompson*, 501 U.S. 722 (1991)
- *Wainwright v. Sykes*, 433 U.S. 72 (1977)
- *Werts v. Vaughn*, 228 F.3d 178 (3d Cir. 2000)
- *Granberry v. Greer*, 481 U.S. 129 (1987)
- *Smith v. Horn*, 120 F.3d 400 (3d Cir. 1997)
- *Mickens-Thomas v. Vaughn*, 321 F.3d 374 (3d Cir. 2003)
- *California Department of Corrections v. Morales*, 514 U.S. 499 (1995)
- *Weaver v. Graham*, 450 U.S. 24 (1981)
- *Richardson v. Pennsylvania Board of Probation & Parole*, 423 F.3d 282 (3d Cir. 2005)
- *Penjoke v. Pennsylvania Board of Probation & Parole*, 203 A.3d 401 (Pa. Commw. Ct. 2019)
- *Bailey v. Pennsylvania Parole Board*, 323 A.3d 259 (Pa. Commw. Ct. 2024)
- *Lincoln v. Pennsylvania Parole Board*, 344 A.3d 1173 (Pa. Commw. Ct. 2025)
- *Bailey v. Pennsylvania Parole Board*, No. 486 MAL 2024, 335 A.3d 302 (Pa. 2025) (table)