

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN

Alberto Manuel Nunez v. Eric Rardin

Nunez v. Rardin · No. 2:25-cv-12596 · Decided November 25, 2025

SUMMARY

The United States District Court for the Eastern District of Michigan dismissed Alberto Manuel Nunez’s 28 U.S.C. § 2241 petition challenging the Bureau of Prisons’ calculation of First Step Act and Second Chance Act credits. The court held that Nunez failed to exhaust the Bureau of Prisons’ administrative review process and dismissed the petition without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan
WRITING FOR THE COURT	Matthew F. Leitman
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	November 25, 2025
DOCKET	2:25-cv-12596
DISPOSITION	dismissed
PROCEDURAL POSTURE	Nunez, a federal prisoner proceeding under 28 U.S.C. § 2241, petitioned for habeas relief challenging the Bureau of Prisons' calculation of his sentencing credits and prerelease custody date. The government responded that he had failed to exhaust the Bureau's administrative-remedy process. The district court dismissed the petition without prejudice for failure to exhaust.
STANDARD OF REVIEW	The court applied the exhaustion requirement governing § 2241 petitions by federal prisoners; because the petition was dismissed for failure to exhaust, the court did not reach the merits of the sentencing-credit calculation.
PRECEDENTIAL VALUE	unpublished and nonprecedential district-court opinion
PARTIES	Alberto Manuel Nunez v. Eric Rardin

TOPICS

- federal habeas corpus
- exhaustion of remedies
- post-conviction relief
- administrative procedure act

PRACTICE AREAS

federal habeas corpus

prisoner litigation

administrative exhaustion

sentencing-credit computation

QUESTIONS PRESENTED

1. Whether a federal prisoner's challenge under 28 U.S.C. § 2241 to the execution and calculation of his sentence is properly brought through habeas corpus.
2. Whether Nunez exhausted the Bureau of Prisons' available administrative remedies before filing his § 2241 petition.
3. Whether the expiration of the time to appeal the warden's decision excused Nunez's failure to complete the administrative-remedy process.
4. Whether the petition should be dismissed without prejudice for failure to exhaust.

HOLDINGS

1. A federal inmate may properly use a petition for a writ of habeas corpus under 28 U.S.C. § 2241 to challenge the manner in which the inmate's sentence is being executed, including the computation of sentencing credits and release dates.
2. A federal prisoner must exhaust available Bureau of Prisons administrative remedies concerning sentence computation before seeking habeas review under § 2241, subject to the recognized futility exception.
3. A prisoner may not avoid the exhaustion requirement by abandoning the administrative process and then asserting that exhaustion is futile because the time to pursue administrative review has expired.

KEY QUOTATIONS

“[A]n inmate cannot simply fail to file a grievance or abandon the process before completion and claim that he has exhausted his remedies or that it is futile for him to do so because his grievance is now time-barred under the regulations.” (at 309)

FACTUAL BACKGROUND

Alberto Manuel Nunez is a federal inmate serving a 151-month sentence at FCI Milan for possession with intent to distribute cocaine. He challenged the Bureau of Prisons' calculation of his Second Chance Act and First Step Act credits, asserting that his prerelease custody date should have been no later than May 12, 2023, rather than February 17, 2026. Nunez pursued only the initial administrative review with the warden, whose July 29, 2025 decision denied relief and informed him of his right to appeal; Nunez did not pursue the remaining administrative appeals.

PROCEDURAL HISTORY

Nunez filed a § 2241 petition in the Eastern District of Michigan. He had submitted a first-level administrative request to the prison warden, which was denied, but he did not appeal to the Regional Director or the BOP

General Counsel. The court concluded that he had not exhausted available administrative remedies and dismissed the petition without prejudice.

DISPOSITION

dismissed

CASES CITED

- United States v. Nunez, No. 19-cr-20433, Judgment, ECF No. 24 (E.D. Mich. Jan. 16, 2020)
- Capaldi v. Pontesso, 135 F.3d 1122, 1123 (6th Cir. 1998)
- Hall v. Eichenlaub, 559 F. Supp. 2d 777, 779-80 (E.D. Mich. 2008)
- Luedtke v. Berkebile, 704 F.3d 465, 466 (6th Cir. 2013)
- Fazzini v. Ne. Ohio Corr. Ctr., 473 F.3d 229, 231 (6th Cir. 2006)
- United States v. Wilson, 503 U.S. 329, 335 (1992)
- Woodford v. Ngo, 548 U.S. 81, 89 (2006)
- McCarthy v. Madigan, 503 U.S. 140, 145 (1992)
- Palm v. Rardin, No. 1:24-CV-12651, 2025 U.S. Dist. LEXIS 82211, 2025 WL 1364376, at *2 (E.D. Mich. Apr. 30, 2025)
- Hartsfield v. Vidor, 199 F.3d 305, 309 (6th Cir. 1999)
- Wright v. Morris, 111 F.3d 414, 417 n.3 (6th Cir.), cert. denied, 522 U.S. 906 (1997)
- Witham v. United States, 355 F.3d 501, 504 (6th Cir. 2004)