

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS, TEXARKANA DIVISION

Burns v. Warden, FCI-Texarkana

Burns · No. 5:25-CV-38-RWS-JBB · Decided March 18, 2026

SUMMARY

The United States District Court for the Eastern District of Texas dismissed with prejudice Trevor Burns’s 28 U.S.C. § 2241 petition challenging the Bureau of Prisons’ computation of his federal sentence. The court adopted the Magistrate Judge’s report and recommendation, concluding that Burns’s claim was substantially identical to a previously dismissed § 2255 claim and, alternatively, that the sentencing record established that only the bank-robbery sentence ran concurrently with the state sentence, while the firearm sentence was required to run consecutively.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Texarkana Division
WRITING FOR THE COURT	Robert W. Schroeder III
JURISDICTION	United States District Court for the Eastern District of Texas, Texarkana Division
DECIDED	March 18, 2026
DOCKET	5:25-CV-38-RWS-JBB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 challenging the computation of his federal sentence. The respondent moved for summary judgment, and the magistrate judge recommended denial of the petition. After de novo review of Petitioner's objections, the district court adopted the Report and Recommendation and dismissed the petition with prejudice.
STANDARD OF REVIEW	De novo review of the portions of the magistrate judge's Report and Recommendation to which objections were made under 28 U.S.C. § 636(b)(1)(C).
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation.
PARTIES	Trevor Bryant Burns v. Warden, FCI-Texarkana

TOPICS

federal habeas corpus

sentence modification

successive petitions

sentencing

statutory interpretation

PRACTICE AREAS

Federal habeas corpus

Federal sentencing

Sentence computation

Successive post-conviction petitions

QUESTIONS PRESENTED

1. Whether Burns could relitigate under 28 U.S.C. § 2241 his claim that the Bureau of Prisons miscalculated his sentence after a substantially identical claim had been dismissed in a prior § 2255 proceeding.
2. Whether the sentencing transcript required the 84-month firearm sentence to run concurrently with the state sentence, notwithstanding the written judgment and the statutory requirement that the firearm sentence run consecutively.

HOLDINGS

1. A petitioner may not relitigate through a § 2241 petition a substantially identical sentencing claim that was previously adjudicated in a § 2255 proceeding; a dismissal based on the statute of limitations constitutes an adjudication on the merits for purposes of determining whether the later petition is successive.
2. The sentencing transcript was, at most, ambiguous rather than conflicting with the written judgment; reviewing the entire record showed that only the 37-month bank-robbery sentence was intended to run concurrently with the state sentence, while the 84-month firearm sentence was consecutive.

KEY QUOTATIONS

“The dismissal of this petition shall not prevent Petitioner from seeking such relief as he may be entitled from the sentencing court.” (7)

FACTUAL BACKGROUND

Burns was serving federal sentences of 37 months for bank robbery and 84 months for brandishing a firearm. He claimed that the sentencing judge orally ordered his entire 121-month federal sentence to run concurrently with pending state charges, while the written judgment made only the 37-month bank-robbery sentence concurrent. The Bureau of Prisons calculated the sentence consistent with the written judgment, and Burns challenged that computation under § 2241.

PROCEDURAL HISTORY

Burns filed a § 2241 petition asserting that the Bureau of Prisons improperly refused to treat his entire federal sentence as concurrent with his state sentence. Respondent moved for summary judgment and submitted an affidavit supporting the sentence computation. The magistrate judge recommended denial, concluding that the claim had previously been litigated in a § 2255 proceeding and independently failed on the merits. The district court overruled the objections, adopted the recommendation, and dismissed the petition with prejudice.

DISPOSITION

dismissed

CASES CITED

- Warren v. Miles, 230 F. App'x 688, 694 (5th Cir. 2000)
- Solsona v. Warden, F.C.I., 821 F.2d 1129, 1132 (5th Cir. 1987)
- United States v. Flores, 616 F.2d 840, 842 (5th Cir. 1980)
- Lane v. Hanberry, 601 F.2d 805, 806 (5th Cir. 1979)
- United States v. Venegas, 670 F. App'x 264, 266 (5th Cir. 2016)
- Scott v. United States, 434 F.2d 11, 20 (5th Cir. 1970)
- United States v. Gonzales, 520 U.S. 1, 5 (1997)
- United States v. Thomas, 77 F.3d 989, 990-992 (7th Cir. 1996)
- Villanueva v. United States, 346 F.3d 55, 61 (2d Cir. 2003)
- Guyton v. United States, 23 F. App'x 539, 540 (7th Cir. 2001)
- Mathis v. Laird, 457 F.2d 926, 927 (5th Cir. 1972), cert. denied, 409 U.S. 871 (1972)