

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Paul Godoy v. Jason Gunther

Godoy · No. CV-25-01203-PHX-JJT · Decided December 8, 2025

SUMMARY

The United States District Court for the District of Arizona adopts a magistrate judge’s Report and Recommendation and dismisses Paul Godoy’s 28 U.S.C. § 2241 habeas petition without prejudice. The court concludes that the petition is unripe because the petitioner is not yet eligible to receive earned time credits, and therefore the court lacks jurisdiction over the matter.

CASE DETAILS

COURT	United States District Court for the District of Arizona
JURISDICTION	United States District Court for the District of Arizona
DECIDED	December 8, 2025
DOCKET	CV-25-01203-PHX-JJT
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal without prejudice of Petitioner's 28 U.S.C. § 2241 habeas petition. No party filed timely objections, and the district court adopted the R&R in whole after also reviewing the petition's issues on the merits.
STANDARD OF REVIEW	The district court was permitted to accept the unobjected-to Report and Recommendation without further review, but it independently reviewed the petition's issues on the merits.
PRECEDENTIAL VALUE	Unknown
PARTIES	Paul Godoy v. Jason Gunther

TOPICS

- federal habeas corpus
- post-conviction relief
- subject matter jurisdiction
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief
- subject matter jurisdiction
- civil procedure

QUESTIONS PRESENTED

1. Whether the petition was ripe when Petitioner was not yet eligible for application of the earned time credits at issue.
2. Whether the absence of ripeness deprived the district court of subject matter jurisdiction.
3. Whether the unobjected-to Report and Recommendation should be adopted and the § 2241 petition dismissed without prejudice.

HOLDINGS

1. The petition was not ripe because Petitioner was not yet eligible for application of the earned time credits at issue.
2. Because the petition was not ripe, there was no case or controversy and the district court lacked jurisdiction over the matter.
3. The district court could accept the Report and Recommendation and its analysis without further review because no party filed a timely objection.

KEY QUOTATIONS

“And without ripeness, there is not yet a case or controversy before the Court, which then lacks jurisdiction over the matter.” (at 2)

“Should Petitioner’s claim ripen and the Bureau of Prisons not act to apply any earned time credits such that he would immediately be eligible for release upon application of such credits, he may file a new Petition in a new matter.” (at 2)

FACTUAL BACKGROUND

Petitioner sought habeas relief under 28 U.S.C. § 2241 based on the Bureau of Prisons' alleged failure to apply earned time credits. The court found that Petitioner was not yet eligible to have those credits applied. Because the claim was not ripe, the court concluded that no case or controversy existed and that it lacked jurisdiction.

PROCEDURAL HISTORY

Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 concerning the application of earned time credits. Magistrate Judge Eileen S. Willett recommended dismissal without prejudice because the claim was not ripe. After no party objected within the prescribed period, the district court adopted the R&R and dismissed the petition without prejudice, directing the Clerk to enter judgment and close the case.

DISPOSITION

dismissed

CASES CITED

- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003)

OPINION

1 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF
ARIZONA 8 9 Paul Godoy, No. CV-25-01203-PHX-JJT 10 Petitioner, ORDER 11 v. 12 Jason
Gunther, 13 Respondent. 14 15 At issue is the Report and Recommendation (Doc. 12, “R&R”)
entered by United 16 States Magistrate Judge Eileen S. Willett recommending that the Court
dismiss, without 17 prejudice, Mr. Godoy’s Petition for Writ of Habeas Corpus Pursuant to 28
U.S.C. § 2241 18 (Doc.

1). In the R&R, Judge Willett advised the parties they had fourteen days from the 19 date of
service of a copy of the R&R “within which to file specific written objections to 20 the Court,”
and that “[f]ailure to timely file objections to [the R&R] may may result in the 21 acceptance of
[the R&R] by the District Court without further review,” as provided in 22 *United States v. Reyna-
Tapia*, 328 F.3d 1114, 1121 (9th Cir.

2003). (Doc. 12 at 5.) It has 23 been 34 days since entry of the R&R and no party has filed any
objection. The District 24 Court is thus free to accept the R&R and its analysis without further
review. It nonetheless 25 reviews the issues raised in the Petition on the merits. Upon doing so, it
concludes, for the 26 reasons set forth in the R&R, that Judge Willett is correct and it will deny
and dismiss 27 without prejudice the Petition.

28 2 As Judge Willett found in the R&R, Petitioner is not yet eligible for application of || any
earned time credits and therefore the Petition is not ripe. (R&R at 4.) And without 4|| ripeness,
there is not yet a case or controversy before the Court, which then lacks 5 || jurisdiction over the
matter. 6 IT IS THEREFORE ORDERED adopting in whole the R&R entered by Judge Willett
(Doc.

12), including its reasoning. 8 IT IS FURTHER ORDERED dismissing, without prejudice. the
Petition for Writ 9|| of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Doc. 1) as unripe. Should
Petitioner’s 10 || claim ripen and the Bureau of Prisons not act to apply any earned time credits
such that he 11 || would immediately be eligible for release upon application of such credits, he
may file a || new Petition in a new matter.

13 IT IS FURTHER ORDERED that the Clerk of Court shall enter judgment accordingly and
close this matter. 15 Dated this 8th day of December, 2025. CN 16 “wok: 17 wefehlee— Unifga
StatesDistrict Judge 18 19 20 21 22 23 24 25 26 27 28 _2-