

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

Porter v. Director, TDCJ-CID

Civil Action No. 1:25-CV-368 · No. Civil Action No. 1:25-CV-368 · Decided January 9, 2026

SUMMARY

A United States magistrate judge recommends denying Steven Ray Porter’s 28 U.S.C. § 2254 petition challenging the Texas Board of Pardons and Paroles’ denial of parole. The recommendation concludes that Texas law creates no constitutional right or expectancy of parole release, so the petitioner’s parole-related due process claims are not cognizable in federal habeas proceedings.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Beaumont Division
WRITING FOR THE COURT	Zack Hawthorn
JURISDICTION	United States District Court for the Eastern District of Texas, Beaumont Division
DECIDED	January 9, 2026
DOCKET	Civil Action No. 1:25-CV-368
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2254 habeas petition challenging the Texas Board of Pardons and Paroles's denial of parole. The matter was referred to a United States magistrate judge for findings, conclusions, and a recommendation. The magistrate judge recommended denial of the petition.
STANDARD OF REVIEW	Federal habeas relief is available only for a deprivation of a right secured by the Constitution or laws of the United States. The report also applied the rule that a prisoner has no constitutional right to release before expiration of the sentence and that Texas parole decisions do not create a protected liberty interest.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Steven Ray Porter v. Director, TDCJ-CID

TOPICS

federal habeas corpus

post-conviction relief

procedural due process

due process

civil procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether the denial of parole by the Texas Board of Pardons and Paroles violated a constitutionally protected right cognizable in a federal habeas petition under 28 U.S.C. § 2254.
2. Whether Texas law creates a liberty interest or constitutional expectancy of release on parole sufficient to support procedural or substantive due process relief.

HOLDINGS

1. The petition should be denied because the petitioner did not identify a constitutional or federal-law right violated by the denial of parole.
2. Texas law does not create a constitutionally protected right or expectancy of release on parole; therefore, claims arising from the denial of parole are not cognizable under federal habeas law.

KEY QUOTATIONS

“Because Petitioner does not have a constitutionally-protected right to release on parole, this Petition for Writ of Habeas Corpus should be denied.”

“A prisoner does not have a constitutional right to release before the expiration of his sentence.”

FACTUAL BACKGROUND

Porter was confined in the LeBlanc Unit of the Texas Department of Criminal Justice pursuant to three Dallas County judgments entered in November 2010 and a later Kaufman County judgment. He received thirty-year sentences in each case and alleged that he had been in custody since February 8, 2008. After becoming eligible for parole, he was denied release by the Texas Board of Pardons and Paroles, which deferred his next parole review for five years.

PROCEDURAL HISTORY

Porter, a Texas prisoner serving multiple thirty-year sentences, sought federal habeas relief after the Texas Board of Pardons and Paroles denied him release on parole and set his next review for five years later. The petition was referred to the magistrate judge under 28 U.S.C. § 636, who issued a report and recommendation concluding that the petition should be denied because Texas law creates no constitutionally protected entitlement or expectancy of parole release.

DISPOSITION

other

CASES CITED

- Orellana v. Kyle, 65 F.3d 29, 31 (5th Cir. 1995)
- Greenholtz v. Inmates of Neb. Penal & Corr. Complex, 442 U.S. 1, 7, 13 (1979)
- Teague v. Quarterman, 482 F.3d 769, 774 (5th Cir. 2007)
- Madison v. Parker, 104 F.3d 765, 768 (5th Cir. 1997)
- Robinson v. Lumpkin, No. 20-10745, 2021 WL 6550474, at *1 (5th Cir. Sept. 30, 2021) (unpublished)
- Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION STEVEN RAY PORTER § VS. § CIVIL ACTION NO. 1:25-CV-368
DIRECTOR, TDCJ-CID § REPORT AND RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE Petitioner Steven Ray Porter, a prisoner confined at the LeBlanc Unit of
the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID),
proceeding pro se, brings this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254.

Petitioner challenges the decision of the Texas Board of Pardons and Paroles to deny him release on parole. The Petition was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 for findings of fact, conclusions of law, and recommendations for the disposition of the case. Factual Background and Procedural History Petitioner is in custody pursuant to three judgments entered in Dallas County, Texas in November of 2010, and a subsequent judgment entered in Kaufman County on an unspecified date.

In each case, Petitioner was sentenced to thirty years of imprisonment. Petitioner alleges that he has been in custody since February 8, 2008. After serving half of his sentence, Petitioner was eligible for parole, but the Texas Board of Pardons and Paroles denied Petitioner release on parole and set off his next parole review for five years. Analysis Petitioner is not entitled to habeas relief unless he has been deprived of a right secured to him by the United States Constitution or the laws of the United States.

Orellana v. Kyle, 65 F.3d 29, 31 (5th Cir. 1995). A prisoner does not have a constitutional right to release before the expiration of his sentence. Greenholtz v. Inmates of Neb. Penal & Corr. Complex, 442 U.S. 1, 7 (1979). Parole decisions are necessarily subjective and predictive because there is no error-free way to make parole- release decisions. Id. at 13.

Further, Texas law does not create a right or a constitutional expectancy of release on parole because parole decisions are within the unfettered discretion of the State. Teague v. Quarterman, 482 F.3d 769, 774 (5th Cir. 2007); Madison v. Parker, 104 F.3d 765, 768 (5th Cir. 1997).

As a result, procedural or substantive due process claims arising from the denial of parole are not cognizable in a federal habeas petition. Robinson v. Lumpkin, No. 20-10745, 2021 WL 6550474,

at *1 (5th Cir. Sept. 30, 2021) (unpublished).

Because Petitioner does not have a constitutionally-protected right to release on parole, this Petition for Writ of Habeas Corpus should be denied. Recommendation This Petition for Writ of Habeas Corpus should be denied. Objections Within fourteen days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings of facts, conclusions of law and recommendations of the magistrate judge.

28 U.S.C. § 636(b)(1)(C). Failure to file written objections to the proposed findings of facts, conclusions of law and recommendations contained within this report within fourteen days after service shall bar an aggrieved party from the entitlement of de novo review by the district court of the proposed findings, conclusions and recommendations and from appellate review of factual findings and legal conclusions accepted by the district court, except on grounds of plain error.

Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1417 (Sth Cir. 1996) (en banc); 28 U.S.C. § 636(b)(1); FED. R. Civ. P. 72. SIGNED this 9th day of January, 2026. Zack _ United States Magistrate Judge