

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Brandt v. Sage

Brandt v. Sage · No. 3:26-cv-271 · Decided March 17, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania dismissed without prejudice Kiel Brendan Brandt’s petition for habeas corpus under 28 U.S.C. § 2241. Brandt challenged the Bureau of Prisons’ prerelease placement under the Second Chance Act and the procedure used to evaluate his placement. The court held that Brandt failed to fully exhaust the Bureau of Prisons’ administrative-remedy process and found no applicable exception to the exhaustion requirement.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Robert D. Mariani
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	March 17, 2026
DOCKET	3:26-cv-271
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 concerning prerelease placement under the Second Chance Act. The respondent moved to dismiss for failure to exhaust administrative remedies.
STANDARD OF REVIEW	The court applied the judicially created exhaustion requirement for federal § 2241 petitions and reviewed the undisputed administrative-record evidence concerning exhaustion.
PRECEDENTIAL VALUE	Unknown; memorandum opinion with no reporter or neutral citation.
PARTIES	Kiel Brendan Brandt v. Warden Jessica Sage

TOPICS

- federal habeas corpus
- exhaustion of remedies
- post-conviction relief
- administrative law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Brandt exhausted the BOP's administrative-remedy process before filing his § 2241 petition.
2. Whether an exception to the judicially required exhaustion requirement excused Brandt's failure to complete the BOP's Central Office appeal.
3. Whether the petition should be dismissed without prejudice for failure to exhaust.

HOLDINGS

1. Federal prisoners ordinarily must exhaust available BOP administrative remedies before petitioning for a writ of habeas corpus under § 2241, although exhaustion may be excused in recognized circumstances such as futility or when exhaustion would not serve its underlying purposes.
2. Brandt did not exhaust his administrative remedies because he did not establish that he appealed the Regional Director's denial to the BOP Central Office or received a Central Office decision.
3. No exhaustion exception applied because Brandt did not show that the exhaustion purposes would be served by bypassing the process, that exhaustion would be futile, that the issue was limited to statutory construction, or that exhaustion would cause irreparable injury.

KEY QUOTATIONS

“An inmate is not deemed to have exhausted his administrative remedies until his complaint has been pursued at all levels.” (Discussion)

“Because Brandt failed to fully and properly exhaust his administrative remedies before petitioning this Court, and because no exception to the exhaustion requirement applies here, his Section 2241 petition must be dismissed.” (Conclusion)

FACTUAL BACKGROUND

Brandt, a federal inmate serving a 27-month wire-fraud sentence, challenged the amount of prerelease placement time afforded to him and the BOP's application of the Second Chance Act's five factors. The BOP Unit Team reviewed him and recommended a placement date of August 30, 2026. Brandt filed an administrative remedy at the institutional level and appealed to the Regional Director, but the record showed no appeal to or final decision from the BOP Central Office.

PROCEDURAL HISTORY

Brandt filed a § 2241 petition challenging the Bureau of Prisons' prerelease placement decision and the procedure used to apply the Second Chance Act's five-factor review. He had pursued an institutional remedy and an appeal to the Regional Director but had not established that he filed or obtained a decision on a final appeal to the BOP Central Office. The district court dismissed the petition without prejudice for failure to exhaust, without reaching the respondent's alternative arguments.

DISPOSITION

dismissed

CASES CITED

- *Moscato v. Federal Bureau of Prisons*, 98 F.3d 757, 760-62 (3d Cir. 1996)
- *Callwood v. Enos*, 230 F.3d 627, 634 (3d Cir. 2000)
- *Coleman v. U.S. Parole Comm'n*, 644 F. App'x 159, 162 (3d Cir. 2016)
- *Vasquez v. Strada*, 684 F.3d 431, 433-34 (3d Cir. 2012)
- *Bradshaw v. Carlson*, 682 F.2d 1050, 1052 (3d Cir. 1981)
- *Rose v. Lundy*, 455 U.S. 509, 516 n.7 (1982)
- *Brown v. Warden Canaan USP*, 763 F. App'x 296, 297 (3d Cir. 2019)
- *Wilson v. MVM, Inc.*, 475 F.3d 166, 175 (3d Cir. 2007)
- *D'Amico v. CBS Corp.*, 297 F.3d 287, 293 (3d Cir. 2002)
- *Longenette v. Krusing*, 322 F.3d 758, 764 (3d Cir. 2003)
- *Woodall v. Federal Bureau of Prisons*, 432 F.3d 235, 244-51 (3d Cir. 2005)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA KIEL BRENDAN BRANDT, Civil No. 3:26-cv-271 Petitioner. (Judge Mariani) v. WARDEN JESSICA SAGE,. Respondent. MEMORANDUM Petitioner Kiel Brendan Brandt (“Brandt”), a federal inmate confined at the Federal Correctional Institution, Lewisburg, Satellite Camp, initiated the above-captioned action by filing a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

(Doc. 1). Brandt alleges that officials at the Lewisburg Satellite Camp are not properly affording him enough prerelease placement time under the Second Chance Act. (/d.). Brandt also challenges the procedure by which officials at the Lewisburg Satellite Camp complete the five-factor review of the Second Chance Act. (/d.).

For the reasons that follow, the Court will dismiss the habeas petition without prejudice because Brandt has not properly exhausted his claims. I. Background A. — Brandt's Criminal History Brandt is serving a 27-month term of imprisonment imposed by the United States District Court for the Eastern District of Virginia for his conviction of wire fraud. (Doc.

8-2, Declaration of BOP Case Manager Joshua Moyer (“Moyer Decl.”), at 2 J 3; Doc. 8-3, Public Information Inmate Data). According to BOP documentation submitted by Respondent, Brandt's projected release date, via First Step Act release, is March 3, 2027. (Doc. 8-2, Moyer Decl., at 1 J 3; Doc. 8-3).

However, a review of the BOP's inmate locator indicates that Brandt's projected release date is now February 16, 2027.¹ B. Administrative Remedy History The Administrative Remedy Generalized Retrieval reveals that, while in BOP custody, Brandt filed the following two administrative remedies. (Doc. 8-2, Moyer Decl. at 2 1 5; Doc. 8-4, Administrative Remedy Generalized Retrieval).

On August 28, 2025, Brandt filed administrative remedy 1252532-F1 with the institution, requesting a review of his residential reentry center ("RRC") placement time. (Doc. 8-4, at 2). The institution denied the remedy on September 23, 2025. (/d.). Brandt appealed to the Regional Director, and, on December 8, 2025, the Regional Director denied his appeal. (/d.).

Brandt did not appeal to the Central Office. (See Doc. 8-4). C. Facts Related to the Second Chance Act Brandt's Unit Team conducted an Individualized Needs Plan-Program Review. (Doc. 8-2, Moyer Decl. at 2 JJ 6-7; Doc. 8-5, Institutional Referral for Community Corrections Center ("CCC") Placement).

The Unit Team reviewed Brandt for prerelease placement ¹ See FEDERAL BUREAU OF PRISONS' INMATE LOCATOR, <https://www.bop.gov/inmateloc/> (searching Inmate Number 52132-51 1) (last visited March 16, 2026). under the five factors of the Second Chance Act of 2007, codified at 18 U.S.C. §§ 3621 and 3624.² (Id.).

The Unit Team considered and evaluated the five factors as follows: (1) there are available RRCs in Brandt's release area; (2) there are no extenuating circumstances that would preclude placement; (3) Brandt has an established residence and community ties; (4) the sentencing court's Judgment and Commitment Order does not contain any statements regarding RRC placement; and (5) there are no pertinent policies from the United States Sentencing Commission.

(Doc. 8-5, at 2; see also 18 U.S.C. 3621(b)). As a result of the review, the Unit Team recommended a placement date of August 30, 2026. (Doc. 8-5, at 2). D. Claims Raised in the Habeas Petition In his Section 2241 petition, Brandt alleges that the BOP failed to award him enough prerelease placement time under the Second Chance Act. (Doc. 1). He also challenges the procedure by which officials at the Lewisburg Satellite Camp complete the five-factor review of the Second Chance Act. (/d.).

Respondent contends that the Section 2241 petition must be dismissed because Brandt failed to exhaust his administrative remedies. (Doc. 8). ² The Second Chance Act states in pertinent part as follows: The [BOP] shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community.

Such conditions may include a community correctional facility. See 18 U.S.C. § 3624(c). Alternatively, Respondent argues that the petition must be denied because the Court lacks jurisdiction to hear Brandt's claims, Brandt has no right to prerelease placement, no right to credits under the Second Chance Act, and Brandt has been properly reviewed under the five factors of the Second Chance Act. (/d.).

Because the uncontroverted record confirms that Brandt has not exhausted his administrative remedies, the Court does not reach Respondent's alternative arguments. II. Discussion While there is no statutory exhaustion requirement for habeas corpus petitions brought pursuant to Section 2241, the Third Circuit has recognized that "[f]ederal prisoners are ordinarily required to exhaust their administrative remedies before petitioning for a writ of habeas corpus pursuant to [Section] 2241." *Moscato v. Federal Bureau of Prisons*, 98 F.3d 757, 760 (3d Cir.

1996) (citations omitted); *Callwood v. Enos*, 230 F.3d 627, 634 (3d Cir. 2000). Exhaustion is required because: "(1) allowing the appropriate agency to develop a factual record and apply its expertise facilitates judicial review; (2) permitting agencies to grant the relief requested conserves judicial resources; and (3) providing agencies the opportunity to correct their own errors fosters administrative autonomy." *Moscato*, 98 F.3d at 761-62 (citations omitted); *Bradshaw v. Carlson*, 682 F.2d 1050, 1052 (3d Cir.

1981). However, exhaustion of administrative remedies is not required where these underlying reasons for exhaustion would not be served. See *Coleman v. U.S. Parole Comm'n*, 644 F. App'x 159, 162 (3d Cir. 2016) (unpublished).

For example, exhaustion is unnecessary if the issue presented is one that involves only statutory construction. See *Vasquez v. Strada*, 684 F.3d 431, 433-34 (3d Cir. 2012) (citing *Bradshaw*, 682 F.2d at 1052). Exhaustion is also excused when it would be futile. See *Rose v. Lundy*, 455 U.S. 509, 516 n.7 (1982); see also *Brown v. Warden Canaan USP*, 763 F. App'x 296, 297 (3d Cir.

2019). "In order to invoke the futility exception to exhaustion, a party must 'provide a clear and positive showing' of futility before the District Court." *Wilson v. MVM, Inc.*, 475 F.3d 166, 175 (3d Cir. 2007) (quoting *D'Amico v. CBS Corp.*, 297 F.3d 287 293 (3d Cir. 2002)).

To exhaust administrative remedies, a federal inmate must comply with the procedural requirements of the BOP's administrative remedy process, which are set forth in the Code of Federal Regulations. See generally 28 C.F.R. §§ 542.10-542.19.

Under these regulations, an inmate shall first attempt informal resolution of his complaint with staff and, if the inmate is unable to resolve his complaint informally, he shall submit a formal, written request on the proper form to the designated staff member. See *id.* §§ 542.13-542.14. If the inmate is not satisfied with the Warden's response, the inmate shall then submit an appeal to the Regional Director, using the appropriate form.

See *id.* § 542.15(a). And, finally, if the inmate is not satisfied with the Regional Director's response, then the inmate shall submit an appeal to the Office of the Gerieral Counsel, located in the BOP Central Office, using the appropriate form. See *id.* An inmate is not deemed to have exhausted his administrative remedies until his complaint has been pursued at all levels.

See *id.* (explaining that an “[a]ppeal to the General Counsel is the final administrative appeal”). Here, the record reflects that, although Brandt filed an administrative remedy concerning RRC placement—number 1252532—he undisputably failed to properly exhaust that remedy. (Doc. 8-4, at 2). Brandt filed administrative remedy 1252532-F1 at the institution level. (/d.).

Upon review, the institution denied the remedy. (/d.). Brandt appealed to the Regional Director, and, on December 8, 2025, the Regional Director denied his appeal. (/d.; Doc. 11-4). The record confirms that Brandt did not appeal to the Central Office—the necessary step to fully exhaust his administrative remedy. (/d.). Rather than comply with the Administrative Remedy process, Brandt bypassed the statutorily mandated procedures and, instead, filed the instant habeas petition in federal court.

Brandt mistakenly claims that he fully exhausted his administrative remedies. (Doc. 1, at 5). Without providing any evidentiary support for his claim, Brandt simply states that “[t]o the best of [his] knowledge, the BP-11 was delivered to the Bureau of Prisons’ Central Office.” (Doc. 11-3). He has not presented any evidence that he appealed administrative remedy 1252532 to the Central Office.

As stated, if the Regional Director denies a grievance appeal and the inmate remains dissatisfied, the inmate must lodge a final appeal to the BOP’s Central Office within 20 days of the denial. 28 C.F.R. § 542.15(a). Only if the grievance is denied by the Central Office has exhaustion been completed and the inmate may then file a civil action. 28 C.F.R. §§ 542.10, 542.15.

Brandt's argument that he fully exhausted administrative remedy 1252532 based on his belief that the Central Office should have received his BP-11 is unavailing. Pursuant to 28 C.F.R. § 542.18, “a Request or Appeal is considered filed on the date it is logged into the Administrative Remedy Index as received.” The “statutory or regulatory scheme]” applicable to BOP administrative appeals “clearly require[s] actual receipt by a specific date.” *Longenette v. Krusing*, 322 F.3d 758, 764 (3d Cir.

2003). Brandt failed to submit any competent evidence that the Central Office actually received his final appeal or that he received a final decision from the Central Office. Brandt has not identified any BOP actions that would clearly and unambiguously violate statutory or constitutional rights, and he has not set forth any facts or advanced any argument that would permit this Court to find that exhaustion of administrative remedies would subject him to irreparable injury.

(See Docs. 1, 11). Additionally, the fact that Brandt's sentence currently falls within the 12-month period that the BOP could place him in pretrial release is not a basis to excuse exhaustion.® The Court finds that Brandt's claim must first be presented to BOP officials and fully exhausted.

Because Brandt failed to fully and properly exhaust his administrative remedies before petitioning this Court, and because no exception to the exhaustion requirement applies here, his Section 2241 petition must be dismissed. See, e.g., Vasquez, 684 F.3d at 3 The Court notes that the Second Chance Act does not entitle a federal inmate to any guaranteed placement in prerelease custody.

See Woodall v. Fed. Bureau of Prisons, 432 F.3d 235, 244- 51 (3d Cir. 2005) (holding, in exercising its discretion to make halfway house placement decisions, the BOP must consider the factors set forth in § 3621(b); “[h]owever, that the BOP may assign a prisoner to a CCC does not mean that it must”). 434 (district court properly dismissed federal prisoner's Section 2241 petition because he failed to exhaust his administrative remedies) ill. © Conclusion For the foregoing reasons, the Court will dismiss without prejudice the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

(Doc. 1). A separate Order shall issue. Sq Kel, 4 obert D: United States District Judge Dated: March, 2026