

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, SOUTHERN DIVISION

Adriano Alain Cortez v. William O'Donnell, Warden

No. 4:25-CV-04069-KES · No. 4:25-CV-04069-KES · Decided January 28, 2026

SUMMARY

The United States District Court for the District of South Dakota adopted a magistrate judge’s report and recommendation, as supplemented, and granted the respondent’s motion for summary judgment in Adriano Cortez’s 28 U.S.C. § 2241 habeas petition. The court held that Cortez was not similarly situated to inmates who were permitted to earn First Step Act time credits because his sentencing court had classified him as an organizer, leader, manager, or supervisor of criminal activity. The court dismissed the petition, overruled Cortez’s objections, and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
WRITING FOR THE COURT	Karen E. Schreier
JURISDICTION	United States District Court for the District of South Dakota, Southern Division
DECIDED	January 28, 2026
DOCKET	4:25-CV-04069-KES
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241, challenging the denial of First Step Act time credits and application of the Second Chance Act on equal protection grounds. After a magistrate judge recommended dismissal, petitioner objected. The district court conducted de novo review, adopted the report and recommendation as supplemented, granted respondent's motion for summary judgment, and dismissed the petition.
STANDARD OF REVIEW	The district court reviewed timely and specific objections to the magistrate judge's dispositive recommendations de novo under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Summary judgment was proper if no genuine dispute of material fact existed and the movant was entitled to judgment as a matter of law.

PRECEDENTIAL VALUE	unpublished
PARTIES	Adriano Alain Cortez v. William O'Donnell, Warden

TOPICS

federal habeas corpus equal protection summary judgment prisoners rights civil procedure

PRACTICE AREAS

Federal habeas corpus Prisoner civil rights Constitutional law Federal civil procedure

QUESTIONS PRESENTED

1. Whether Cortez raised a genuine dispute of material fact concerning whether the six inmates who received First Step Act time credits were similarly situated to him for purposes of his equal protection claim.
2. Whether the magistrate judge properly applied the equal protection standard and correctly concluded that the Bureau of Prisons' denial of First Step Act time credits to Cortez was consistent with 18 U.S.C. § 3632(d)(4)(D).
3. Whether Cortez was entitled to a certificate of appealability.

HOLDINGS

1. Cortez failed to show that the six inmates who earned First Step Act time credits were similarly situated to him, and the record therefore presented no genuine issue of material fact concerning differential treatment.
2. The magistrate judge adequately analyzed Cortez's equal protection claim, and because Cortez failed to satisfy the threshold requirement of differential treatment among similarly situated individuals, no further equal protection analysis was required.
3. A certificate of appealability was denied because Cortez failed to make a substantial showing that his constitutional rights had been denied.

KEY QUOTATIONS

“To prevail on an equal protection claim, a plaintiff must show that: (1) he is treated differently from a similarly situated class of inmates, (2) this differential treatment burdens a fundamental right, and (3) it bears no rational relation to any legitimate penal objective.” (Discussion Part I)

“That respondent’s motion for summary judgment (Docket 8) is granted. Cortez’s petition for writ of habeas corpus under 28 U.S.C. § 2241 (Docket 1) is dismissed.” (Conclusion)

FACTUAL BACKGROUND

Cortez was convicted in the District of Massachusetts of drug-trafficking offenses under 21 U.S.C. §§ 841 and 846. At sentencing, the court found that he was an organizer, leader, manager, or supervisor of criminal activity

involving five or more participants. Because of that finding, the First Step Act excludes him from earning time credits under 18 U.S.C. § 3632(d)(4)(D)(ixv). Cortez identified six inmates who earned credits and claimed they were similarly situated, but the record showed none had been classified at sentencing as an organizer, leader, manager, or supervisor.

PROCEDURAL HISTORY

Cortez filed a pro se § 2241 petition against the warden of his federal institution. The matter was referred to Magistrate Judge Veronica L. Duffy, who recommended dismissal. Cortez objected, and the district court overruled the objections, adopted the recommendation as supplemented, granted summary judgment to respondent, dismissed the petition, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- United States v. Craft, 30 F.3d 1044, 1045 (8th Cir. 1994)
- Murphy v. Missouri Department of Corrections, 372 F.3d 979, 984 (8th Cir. 2004)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 257 (1986)
- Adam & Eve Jonesboro, LLC v. Perrin, 933 F.3d 951, 959-60 (8th Cir. 2019)
- Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- United States v. Cortez, Crim. No. 1:20-CR-10198, Docket 75 (D. Mass. Oct. 7, 2020)