

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Mauro Gutierrez Gutierrez v. Colette Peters, et al.

Gutierrez Gutierrez v. Peters · No. 3:25-cv-10 · Decided December 4, 2025

SUMMARY

The United States District Court for the Western District of Pennsylvania adopted a magistrate judge’s recommendation and denied Mauro Gutierrez Gutierrez’s pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court held that Gutierrez failed to exhaust Bureau of Prisons administrative remedies and that his Eighth Amendment medical-care claim challenged conditions of confinement rather than the fact or duration of custody. The court denied leave to amend, overruled the objections, and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Stephanie L. Haines
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	December 4, 2025
DOCKET	3:25-cv-10
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241, adopted the magistrate judge's Report and Recommendation, overruled the petitioner's objections, and denied the petition without leave to amend.
STANDARD OF REVIEW	The court reviewed the magistrate judge's Report and Recommendation under 28 U.S.C. § 636(b)(1) and Local Civil Rule 72.D.2. The petition was also subject to preliminary screening under Rule 4 of the Rules Governing § 2254 Cases, as applied to § 2241 petitions by Rule 1(b).
PRECEDENTIAL VALUE	unpublished and nonprecedential memorandum order
PARTIES	Mauro Gutierrez Gutierrez v. Colette Peters, et al.

TOPICS

federal habeas corpus

subject matter jurisdiction

prisoners rights

civil procedure

section 1983

PRACTICE AREAS

Federal habeas corpus

Prisoner civil rights

Administrative exhaustion

Conditions of confinement

Eighth Amendment medical care

QUESTIONS PRESENTED

1. Whether the petition should be dismissed at initial screening without requiring a response.
2. Whether petitioner exhausted the Bureau of Prisons' administrative-remedy process or established futility or unavailability excusing exhaustion.
3. Whether a § 2241 habeas petition is the proper vehicle for an Eighth Amendment challenge to prison medical care and conditions of confinement.
4. Whether the court had subject matter jurisdiction over the conditions-of-confinement claim.
5. Whether petitioner should be granted leave to amend.

HOLDINGS

1. A habeas petition may be dismissed before service when it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief.
2. Petitioner failed to exhaust administrative remedies because he filed only a BP-8 request and did not pursue the available appeals through the Bureau of Prisons' administrative-remedy process.
3. A § 2241 habeas petition is not the proper vehicle for a claim challenging prison medical care or other conditions of confinement when success would not alter the fact or duration of confinement.
4. Leave to amend was properly denied because amendment of the habeas petition would be futile where the court lacked jurisdiction over the claim as pleaded.

KEY QUOTATIONS

“The language of the rule thus makes clear: where it is plainly apparent from the face of the petition that the petitioner will not prevail, the petition should be dismissed without ordering the respondent to answer.”

“A petition for writ of habeas corpus allows a person in custody to challenge either the fact or duration of confinement.”

“when the challenge is to a condition of confinement such that a finding in plaintiff's favor would not alter his sentence or undo his conviction, an action under § 1983 is appropriate.”

FACTUAL BACKGROUND

Mauro Gutierrez Gutierrez was incarcerated at FCI-Loretto and alleged that inadequate medical care resulted in the unlawful and inhumane execution of his sentence. He filed a BP-8 administrative request but did not appeal

beyond that initial step. He sought habeas relief requiring respondents to explain why they should be permitted to continue implementing his sentence in a humane and dignified manner.

PROCEDURAL HISTORY

Petitioner filed a § 2241 petition challenging the conditions and medical care associated with execution of his federal sentence. Magistrate Judge Keith A. Pesto recommended dismissal before service for failure to exhaust administrative remedies and lack of subject matter jurisdiction. Petitioner objected, asserting exhaustion, futility, and that § 2241 was an appropriate vehicle for his Eighth Amendment claims. The district court adopted the recommendation, overruled the objections, denied the petition, denied leave to amend, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Santiago Rosario v. Philadelphia County, No. CV 19-6017, 2020 WL 8674051 (E.D. Pa. Sept. 24, 2020)
- Rosario v. Philadelphia County, No. 19-CV-6017, 2021 WL 765781 (E.D. Pa. Feb. 26, 2021)
- Pritchard v. Wetzel, No. 13-5406, 2014 WL 199907 (E.D. Pa. Jan. 16, 2014)
- Ogunlana v. Barraza, No. 4:22-CV-01854, 2022 WL 17814213 (M.D. Pa. Dec. 14, 2022)
- Shaw v. Wynder, No. Civ.A. 08-1863, 2008 WL 3887642 (E.D. Pa. Aug. 21, 2008)
- Craig v. Rozum, No. Civ.A. 07-5490, 2008 WL 920346 (E.D. Pa. Apr. 2, 2008)
- Watson v. Wynder, No. 2:07-cv-4066 (E.D. Pa. Nov. 27, 2007)
- Porte Yanes v. Lore, No. CIV 4:CV-07-1525, 2007 WL 2852385 (M.D. Pa. Sept. 27, 2007)
- Allen v. Perini, 424 F.2d 134, 140-41 (6th Cir. 1970)
- Alexander v. Corbin, No. CIV.A. 11-2727, 2011 WL 5340568 (E.D. Pa. Sept. 28, 2011)
- Tice v. Wilson, No. 1:24-CV-46-RAL, 2024 WL 1771054 (W.D. Pa. Feb. 29, 2024)
- Callwood v. Enos, 230 F.3d 627, 634 (3d Cir. 2000)
- Moscato v. Federal Bureau of Prisons, 98 F.3d 757, 760 (3d Cir. 1996)
- Vasquez v. Strada, 684 F.3d 431, 433-34 (3d Cir. 2012)
- Accardi v. Shaughnessy, 347 U.S. 260 (1954)
- Robinson v. Superintendent Rockview SCI, 831 F.3d 148, 154 (3d Cir. 2016)
- Preiser v. Rodriguez, 411 U.S. 475, 484 (1973)
- Leamer v. Fauver, 288 F.3d 532, 540, 542 (3d Cir. 2002)
- Woodall v. Federal Bureau of Prisons, 432 F.3d 235, 243-44 (3d Cir. 2005)
- Strong v. Unknown Sanborn, 2024 U.S. Dist. LEXIS 96659 (6th Cir. 2024)
- Castro v. County of Los Angeles, 833 F.3d 1060 (9th Cir. 2016)
- Wragg v. Ortiz, 462 F. Supp. 3d 476, 503-05 (D.N.J. 2020)
- Cardona v. Bledsoe, 681 F.3d 533, 536 (3d Cir. 2012)

- Phillips v. County of Allegheny, 515 F.3d 224, 236 (3d Cir. 2008)

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