

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO

Marco Morfin Alvarez v. Warden Ian Healy

Alvarez v. Healy · No. 4:26-cv-445 · Decided April 22, 2026

SUMMARY

The United States District Court for the Northern District of Ohio dismissed without prejudice Marco Morfin Alvarez’s 28 U.S.C. § 2241 petition challenging anticipated denial of prerelease placement based on his non-United States citizenship. The court held that the claims were speculative and not ripe because no final removal order or denial of placement had occurred, and that Alvarez had not exhausted available Bureau of Prisons administrative remedies.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio
WRITING FOR THE COURT	John R. Adams
JURISDICTION	United States District Court for the Northern District of Ohio
DECIDED	April 22, 2026
DOCKET	4:26-cv-445
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se federal prisoner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241, along with an emergency motion for a temporary restraining order and a motion for a preliminary injunction. The district court conducted its required initial review and dismissed the petition sua sponte.
STANDARD OF REVIEW	Initial screening under 28 U.S.C. § 2243 and Rule 4 of the Rules Governing Habeas Corpus Cases Under Section 2254, as applied to § 2241 petitions under Rule 1(b); dismissal is appropriate when it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	unpublished
PARTIES	Marco Morfin Alvarez v. Warden Ian Healy

TOPICS

federal habeas corpus

subject matter jurisdiction

removal proceedings

civil procedure

PRACTICE AREAS

Federal habeas corpus

Administrative law

Immigration law

QUESTIONS PRESENTED

1. Whether the petition presented an actual case or controversy under Article III when the alleged ICE removal order and BOP denial of prerelease placement had not occurred.
2. Whether the petition was subject to dismissal because Alvarez had not exhausted available administrative remedies within the Bureau of Prisons before seeking relief under 28 U.S.C. § 2241.
3. Whether the petition should be summarily dismissed on initial review under Rule 4 and 28 U.S.C. § 2243.

HOLDINGS

1. The petition did not present an actual case or controversy because the alleged final removal order and denial of prerelease-placement consideration were speculative and had not occurred.
2. A federal prisoner must first exhaust available administrative remedies within the Bureau of Prisons before seeking habeas relief under 28 U.S.C. § 2241, and Alvarez had not shown that he had attempted or completed that exhaustion.
3. The court properly dismissed the petition sua sponte on initial review because the petition plainly showed that Alvarez was not entitled to relief.

KEY QUOTATIONS

“A court must summarily dismiss a petition “if it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief.””

“This Court’s jurisdiction, however, is limited by Article III of the Constitution to actual cases and controversies.”

FACTUAL BACKGROUND

Alvarez, a federal prisoner incarcerated at Federal Correctional Institution Elkton in Ohio, sought to prevent the BOP from denying him prerelease placement in a residential reentry center or home confinement under 18 U.S.C. § 3624 because he is a non-United States citizen. He alleged that his BOP case manager said a request for residential reentry center placement would almost certainly trigger ICE to issue a final removal order, after which the BOP would deny prerelease placement. At the time of filing, however, he did not identify an actual final removal order, denial of placement consideration, or exhaustion of BOP administrative remedies.

PROCEDURAL HISTORY

Alvarez filed a § 2241 petition alleging that the Bureau of Prisons would deny him prerelease placement in a residential reentry center or home confinement because he is not a United States citizen. He did not pay the

filing fee or move to proceed in forma pauperis, and he did not show that ICE had issued a final removal order, that the BOP had denied him consideration for placement, or that he had exhausted BOP administrative remedies. The court denied the petition without prejudice and dismissed the action under Rule 4 and 28 U.S.C. § 2243.

DISPOSITION

dismissed

CASES CITED

- Alexander v. Northern Bureau of Prisons, 419 F. App'x 544, 545 (6th Cir. 2011)
- Luedtke v. Berkebile, 704 F.3d 465, 466 (6th Cir. 2013)
- Fazzini v. Northeast Ohio Correctional Center, 473 F.3d 229, 231 (6th Cir. 2006)
- Noriega-Lopez v. Ashcroft, 335 F.3d 874, 881 (9th Cir. 2003)
- Moscato v. Federal Bureau of Prisons, 98 F.3d 757, 761-62 (3d Cir. 1996)

OPINION

Alvarez

PER CURIAM.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OHIO

MARCO MORFIN ALVAREZ,) CASE NO. 4:26-cv-445

) Petitioner,) JUDGE JOHN R. ADAMS) v.))

WARDEN IAN HEALY,) MEMORANDUM OF OPINION

) AND ORDER

Respondent.) Pro se Petitioner Marco Morfin Alvarez has filed Petition for a Writ of Habeas Corpus in this case under 28 U.S.C. § 2241. (Doc. No. 1.)¹ He is a federal prisoner incarcerated at Federal Correctional Institute in Elkton, Ohio. Pursuant to 28 U.S.C. § 2243, a federal district court must conduct an initial review of habeas corpus petitions. See also Alexander v. Northern Bureau of Prisons, 419 F. App'x 544, 545 (6th Cir. 2011). A court must summarily dismiss a petition “if it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief.” Rule 4 of the Rules Governing Habeas Corpus Cases Under Section 2254 (applicable to § 2241 petitions under Rule 1(b)). Upon review, the Court finds that the Petition warrants sua sponte dismissal. Petitioner did not pay the filing fee in the case or file a motion to proceed in forma pauperis. Although this deficiency could be remedied, the Court does not find it necessary to require Petitioner to do so because he does not raise a claim that is ripe for adjudication. The basis for the Petition is that the BOP “will deny [Petitioner] prerelease placement] in a Residential Reentry Center or to home confinement pursuant to 18 U.S.C. § 3624 because he is non- United States citizen. (Doc. No. 1 at 1.) Seeking a writ enjoining the BOP from

denying him prerelease placement, he states his BOP case manager has told him that a request for RRC placement 1He also filed an Emergency Motion for Temporary Restraining Order and Motion for Preliminary Injunction. (Doc. No. 3.) “will almost certainly trigger ICE to issue a final order of removal, after which the BOP will deny prerelease placement.” (Id.) This Court’s jurisdiction, however, is limited by Article III of the Constitution to actual cases and controversies. U.S. Const. art. III, § 2. Plaintiff does not indicate that ICE has actually issued him a final order of removal, or, that he has been denied consideration for placement in an RRC. Petitioner’s claims are speculative and do not present an actual case or controversy over which the Court may exercise jurisdiction. Further, before a prisoner may seek habeas relief under § 2241, he must first exhaust his administrative remedies within the BOP. *Luedtke v. Berkebile*, 704 F.3d 465, 466 (6th Cir. 2013); *Fazzini v. Northeast Ohio Correctional Center*, 473 F.3d 229, 231 (6th Cir. 2006). The exhaustion requirement ensures that the agency has an opportunity to review and revise its actions before litigation is commenced. This preserves judicial resources as well as administrative autonomy and also ensures that a court reviewing the agency’s final action does so based upon a developed and complete evidentiary record. *Noriega-Lopez v. Ashcroft*, 335 F. 3d 874, 881 (9th Cir. 2003); *Moscato v. Fed. Bureau of Prisons*, 98 F.3d 757, 761-62 (3d Cir. 1996). Petitioner does not indicate that he has attempted to, or has fully exhausted his administrative remedies with regard to his claims. His Petition is therefore subject to dismissal for this reason as well. Conclusion Accordingly, the Petition in this case (Doc. No. 1) is denied without prejudice and this action is dismissed in accordance with Rule 4 of the Rules Governing Habeas Corpus Cases and 28 U.S.C. § 2243. The Court further certifies that an appeal from this decision could not be taken in good faith. 28 U.S.C. § 1915(a)(3). IT IS SO ORDERED. /s/ John R. Adams

JOHN R. ADAMS

UNITED STATES DISTRICT JUDGE

DATED: April 20, 2026