

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

Kelly Barker v. Warden FPC Yankton

Barker · No. 4:25-CV-04053-KES · Decided February 9, 2026

SUMMARY

The United States District Court for the District of South Dakota grants the respondent’s motion to dismiss Kelly Barker’s 28 U.S.C. § 2241 petition and rejects the magistrate judge’s contrary report and recommendation. The court holds that Barker’s request to recalculate First Step Act earned time credits would affect only potential prerelease-custody placement, not the fact or duration of his confinement, and therefore is not properly brought through habeas corpus. The court grants Barker a certificate of appealability on the jurisdictional issue.

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	February 9, 2026
DOCKET	4:25-CV-04053-KES
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 concerning the calculation and application of First Step Act earned time credits. The respondent moved to dismiss for lack of subject matter jurisdiction. After the magistrate judge recommended granting relief, the district court conducted de novo review, sustained the respondent's objections, rejected the recommendation, granted the motion to dismiss, and dismissed the petition.
STANDARD OF REVIEW	De novo review of timely and specific objections to a magistrate judge's report and recommendation concerning dispositive matters under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).
PRECEDENTIAL VALUE	persuasive

PARTIES

Kelly Barker v. Warden FPC Yankton

TOPICS

federal habeas corpus

subject matter jurisdiction

motions to dismiss

post-conviction relief

statutory interpretation

PRACTICE AREAS

federal habeas corpus

post-conviction relief

administrative law

statutory interpretation

civil procedure

QUESTIONS PRESENTED

1. Whether the district court had subject matter jurisdiction under 28 U.S.C. § 2241 over Barker's challenge to the Bureau of Prisons' calculation and application of First Step Act credits when the requested relief would affect only potential prerelease-custody placement.
2. Whether Barker's challenge was substantively a challenge to the place of confinement rather than the fact or duration of confinement.
3. Whether a certificate of appealability should issue on the jurisdictional question.

HOLDINGS

1. A § 2241 habeas petition is not the proper vehicle, and the district court lacks subject matter jurisdiction, when the requested recalculation of First Step Act credits would affect only the petitioner's potential placement in prerelease custody and would not affect the fact or duration of confinement.
2. Characterizing the claim as a challenge to the Bureau of Prisons' interpretation or implementation of 18 U.S.C. § 3632(d)(4)(C) does not establish § 2241 jurisdiction when the relief sought would only alter the place of confinement.
3. A certificate of appealability should issue on whether the district court had jurisdiction over Barker's § 2241 petition.

KEY QUOTATIONS

“It is the substance of the relief sought which counts,”

“Thus, Barker’s request for relief amounts to a challenge to his place of confinement rather than the duration or fact of his confinement.”

*“Because a writ of habeas corpus is not the proper vehicle to obtain the relief Barker seeks, see, e.g., Faleide, 2024 WL 5159313, at *1-2, the court finds that it lacks subject matter jurisdiction over Barker’s habeas petition.”*

FACTUAL BACKGROUND

Barker was sentenced on August 26, 2021, to 120 months' imprisonment followed by five years of supervised release, with credit for 186 days served. He was transferred to FPC Yankton on February 18, 2022, and began

earning First Step Act credits at that time. By April 2, 2025, 365 days of credits had been applied toward his supervised-release date, with an additional 160 days available for potential prerelease-custody placement. Barker sought recalculation of his credits beginning on the sentencing date, which would affect the potential placement date but not the release date.

PROCEDURAL HISTORY

Barker filed a pro se § 2241 petition seeking recalculation of his First Step Act credits from the date of sentencing rather than the date he was transferred to FPC Yankton. The magistrate judge recommended that the petition be granted and that the Bureau of Prisons recalculate the sentence under 18 U.S.C. § 3585(a) without applying 28 C.F.R. § 523.42. The respondent objected, and the district court reviewed the dispositive objections de novo, rejected the recommendation, dismissed the petition for lack of subject matter jurisdiction, and granted a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- United States v. Craft, 30 F.3d 1044, 1045 (8th Cir. 1994)
- Kruger v. Erickson, 77 F.3d 1071, 1073 (8th Cir. 1996) (per curiam)
- Spencer v. Hayes, 774 F.3d 467, 469-70 (8th Cir. 2014)
- Renner v. Yankton, 2025 WL 1079259, at *1 (D.S.D. Apr. 10, 2025)
- Whitely v. Garrett, 2025 WL 3767819, at *2 (E.D. Ark. May 29, 2025)
- United States v. Houck, 2 F.4th 1082, 1085 (8th Cir. 2021)
- Faleide v. Eischen, 2024 WL 5159313, at *1-2 (D. Minn. Nov. 13, 2024)
- Powell v. Humphrey, 2025 WL 2233978, at *2 (E.D. Ark. July 15, 2025)
- Henderson v. Eischen, 2024 WL 4678496, at *2 (D. Minn. Nov. 5, 2024)
- Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)