

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA

Jose Rogelio Nieto-Molina v. Warden, FCI Petersburg Low

Nieto-Molina · No. 3:25cv315 (DIN) · Decided January 13, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia dismissed without prejudice Jose Rogelio Nieto-Molina’s 28 U.S.C. § 2241 petition challenging the Bureau of Prisons’ refusal to apply First Step Act earned time credits. The court held that the claim was not ripe because the petitioner was not yet statutorily eligible to have the credits applied toward prerelease custody or supervised release. The court granted the respondent’s motion to dismiss.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia
WRITING FOR THE COURT	David J. Novak
JURISDICTION	United States District Court for the Eastern District of Virginia
DECIDED	January 13, 2026
DOCKET	3:25cv315 (DIN)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner brought a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the Bureau of Prisons' refusal to apply First Step Act earned time credits toward his release. Respondent moved to dismiss, arguing that the claim was premature and not ripe.
STANDARD OF REVIEW	A § 2241 habeas petition is subject to the standards applicable to motions under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). The court must address subject-matter jurisdiction before the merits when both grounds are raised, and the petitioner bears the burden of establishing jurisdiction.
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion; persuasive rather than precedential outside the case.
PARTIES	Jose Rogelio Nieto-Molina v. Warden, FCI Petersburg Low

TOPICS

federal habeas corpus

post-conviction relief

motions to dismiss

statutory interpretation

immigration

PRACTICE AREAS

Federal habeas corpus

Federal sentencing and prison administration

Immigration and removal consequences

Statutory interpretation

Civil procedure

QUESTIONS PRESENTED

1. Whether Nieto-Molina's § 2241 challenge to the Bureau of Prisons' failure to apply First Step Act earned time credits was ripe for adjudication.
2. Whether a prisoner may obtain application of First Step Act earned time credits before accumulating credits equal to the remainder of the imposed term of imprisonment and becoming statutorily eligible under 18 U.S.C. § 3624(g).
3. Whether the petition should be dismissed without prejudice as premature.

HOLDINGS

1. A prisoner's claim seeking application of First Step Act earned time credits is premature and not ripe until the prisoner is statutorily eligible for application of the credits.
2. The Bureau of Prisons is not required to apply Nieto-Molina's allowable First Step Act earned time credits before he becomes eligible under the statutory requirements, which the court determined would occur 365 days before his projected November 11, 2029 release date.

KEY QUOTATIONS

"The doctrine of ripeness prevents judicial consideration of issues until a controversy is presented in 'clean-cut and concrete form.'" (Section IV)

"The action will be DISMISSED WITHOUT PREJUDICE." (Conclusion)

FACTUAL BACKGROUND

Nieto-Molina is a federal inmate who was sentenced in November 2019 to 168 months' imprisonment followed by five years of supervised release. He claimed to have earned First Step Act earned time credits through recidivism-reduction programming and productive activities, but the Bureau of Prisons had not applied them toward his release because it classified him as subject to a final order of removal. His projected release date based on good-conduct time was November 11, 2029, and he sought application of credits to advance release or transfer to supervised release.

PROCEDURAL HISTORY

Nieto-Molina, a federal inmate, filed a § 2241 petition asserting that the Bureau of Prisons had improperly classified him as ineligible to apply First Step Act earned time credits because of an alleged final order of removal. Respondent moved to dismiss, and petitioner did not respond after receiving Roseboro notice. The

court granted the motion and dismissed the action without prejudice because the request to apply the credits was premature.

DISPOSITION

dismissed

CASES CITED

- Torrence v. Lewis, 60 F.4th 209, 213 (4th Cir. 2023)
- Adepoju v. Scales, 782 F. Supp. 3d 306, 312-13, 317 (E.D. Va. 2025)
- Kabando v. Blinken, No. 1:20-cv-1270 (RDA/JFA), 2021 WL 3929826, at *2 (E.D. Va. Sept. 2, 2021)
- Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975)
- White v. CMA Construction Co., Inc., 947 F. Supp. 231, 233 (E.D. Va. 1996)
- Richmond, Fredericksburg & Potomac R.R. Co. v. United States, 945 F.2d 765, 768 (4th Cir. 1991)
- Adams v. Bain, 697 F.2d 1213, 1219 (4th Cir. 1982)
- CSX Transportation, Inc. v. Norfolk S. Ry. Co., No. 2:18cv530, 2019 WL 4564564, at *6 (E.D. Va. Sept. 9, 2019)
- United States v. Nieto-Molina, No. 25-10359, 2025 WL 2860652, at *1 (11th Cir. Oct. 9, 2025)
- Valladares v. Ray, 130 F.4th 74, 77 (4th Cir. 2025)
- Popoola v. Scales, No. 3:25CV390 (DJN), 2025 WL 3473370, at *4 (E.D. Va. Dec. 3, 2025)
- West v. Cutwright, No. 1:24-CV-00380, 2025 WL 2639883, at *5 (S.D. W. Va. July 9, 2025)
- S.C. Citizens for Life, Inc. v. Krawcheck, 301 F. App'x 218, 220 (4th Cir. 2008)
- Allen v. Wright, 468 U.S. 737, 750 (1984)
- Miller v. Brown, 462 F.3d 312, 318-19 (4th Cir. 2006)
- Rescue Army v. Municipal Court of Los Angeles, 331 U.S. 549, 584 (1947)
- In re Naranjo, 768 F.3d 332, 347 (4th Cir. 2014)
- Sharp v. Brown, No. 3:23-CV-138, 2024 WL 3493792, at *3, *5 (N.D. W. Va. July 22, 2024)
- Patrick v. Heckard, No. 5:23-cv-00234, 2024 WL 770631, at *3-*4 (S.D. W. Va. Jan. 26, 2024)
- Lallave v. Martinez, 609 F. Supp. 3d 164, 183 (E.D.N.Y. 2022)
- Milchin v. Warden, No. 3:22-cv-195 (KAD), 2022 WL 1658836, at *3 (D. Conn. May 25, 2022)
- Turner v. Heisner, No. 22-cv-00178-PHX-JAT (ESW), 2022 WL 2195348, at *3 (D. Ariz. May 16, 2022)
- Garcia-Garcia v. Rokosky, No. CV 1:23-00207, 2025 WL 2934917, at *3 (S.D. W. Va. Aug. 19, 2025)