

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Dmytro Malakhov v. Andrew Cooper

Malakhov · No. 2:25-cv-01391-LK · Decided January 20, 2026

SUMMARY

The United States District Court for the Western District of Washington adopted a magistrate judge’s Report and Recommendation and dismissed Dmytro Malakhov’s 28 U.S.C. § 2241 habeas petition. The court held that Malakhov failed to exhaust his administrative remedies concerning First Step Act time credits and had not shown that he participated in qualifying programs before his transfer to FDC SeaTac.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Lauren King
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	January 20, 2026
DOCKET	2:25-cv-01391-LK
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241, alleging that the Bureau of Prisons failed to apply earned First Step Act time credits. The district court adopted a magistrate judge's Report and Recommendation and dismissed the petition for failure to exhaust administrative remedies and, alternatively, on the merits.
STANDARD OF REVIEW	Because no party objected to the Report and Recommendation, the district court was not required to conduct de novo review of the unobjected-to issues. The court stated that it could accept, reject, or modify the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(3).
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation
PARTIES	Dmytro Malakhov v. Andrew Cooper

TOPICS

federal habeas corpus

exhaustion of remedies

post-conviction relief

civil procedure

PRACTICE AREAS

Federal habeas corpus

Prisoner litigation

Administrative exhaustion

First Step Act sentencing credits

QUESTIONS PRESENTED

1. Whether the § 2241 petition should be dismissed because Malakhov failed to exhaust available Bureau of Prisons administrative remedies and did not establish futility or waiver.
2. Whether Malakhov was entitled to First Step Act time credits for the period before his arrival at FDC SeaTac based on the evidence presented.
3. What review was required of the magistrate judge's Report and Recommendation when no party filed objections.

HOLDINGS

1. The petition was properly dismissed because Malakhov failed to exhaust his available Bureau of Prisons administrative remedies and did not show that exhaustion would have been futile or that the Bureau of Prisons waived the requirement.
2. In a § 2241 case, exhaustion is a prudential rather than jurisdictional requirement and may be waived, including when pursuing administrative remedies would be futile; neither futility nor waiver was established here.
3. The petition was also properly denied on the merits because Malakhov presented no evidence that he participated in programs covered by the First Step Act before arriving at FDC SeaTac.

KEY QUOTATIONS

“In § 2241 cases, exhaustion is a prudential rather than jurisdictional requirement, and it is therefore subject to waiver” (at 2 n.1)

“Accordingly, the Court ADOPTS the R&R, Dkt. No. 10, and DISMISSES the habeas petition.” (at 2)

FACTUAL BACKGROUND

Malakhov was serving an 18-month sentence for conspiracy to launder monetary instruments. He self-surrendered on January 13, 2025, was held at the Metropolitan Detention Center in Los Angeles, and was transferred to FDC SeaTac on May 8, 2025. He alleged that the Bureau of Prisons improperly failed to award First Step Act credits for the period before his transfer, although the government stated that he had not participated in qualifying evidence-based recidivism-reduction programming or productive activities and had not completed the administrative appeal process.

PROCEDURAL HISTORY

Malakhov filed a § 2241 habeas petition on July 23, 2025. The magistrate judge recommended dismissal because Malakhov had not exhausted available Bureau of Prisons administrative remedies and had not shown that

exhaustion would be futile or waived; the magistrate judge also recommended denial on the merits because Malakhov provided no evidence that he participated in qualifying programs before arriving at FDC SeaTac. No party objected to the Report and Recommendation, and the district court adopted it and dismissed the case.

DISPOSITION

dismissed

CASES CITED

- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc)
- Thomas v. Arn, 474 U.S. 140, 149 (1985)