

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, NORFOLK DIVISION

Tucker v. United States

Tucker v. United States · No. 2:25-cv-567 · Decided April 9, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia granted summary judgment to the respondent and dismissed Doron Tucker’s 28 U.S.C. § 2241 petition with prejudice. Tucker challenged the loss and forfeiture of good conduct credits following a Bureau of Prisons disciplinary proceeding, alleging inadequate notice and insufficient evidence. The court held that Tucker received the due process protections required for the deprivation of good time credits and that the disciplinary findings were supported by some evidence.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Norfolk Division
WRITING FOR THE COURT	Douglas E. Miller
JURISDICTION	United States District Court for the Eastern District of Virginia, Norfolk Division
DECIDED	April 9, 2026
DOCKET	2:25-cv-567
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 from the loss and forfeiture of federal good-conduct time credits following a prison disciplinary proceeding. Respondent moved for summary judgment.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. In reviewing a prison disciplinary decision affecting good-conduct credits, due process requires that the decision be supported by some evidence in the record and have some basis in fact.
PRECEDENTIAL VALUE	unpublished federal district court opinion; precedential status unknown
PARTIES	Doron Tucker v. United States, J. Bienemy, Warden, FCC Petersburg

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the BOP violated Tucker's procedural due process rights by providing notice of one prohibited act but finding him guilty of a similar prohibited act based on the same conduct.
2. Whether the BOP's disciplinary findings were supported by some evidence as required by the Due Process Clause.
3. Whether Respondent was entitled to summary judgment on Tucker's § 2241 petition.

HOLDINGS

1. The BOP provided constitutionally sufficient notice even though the DHO found Tucker committed a similar prohibited act different from the offense code identified in the notice, because the finding was based on the same conduct described in the incident report, Tucker identified no evidence he would have offered uniquely in response to the amended charge, and the charges carried the same severity level and sanctions.
2. Tucker received the minimum procedural protections required by due process: advance written notice, a neutral and detached hearing body, an opportunity to call witnesses and present documentary evidence, an opportunity for non-attorney representation, and a written decision explaining the evidence relied upon and the reasons for the sanction.
3. The BOP's disciplinary findings satisfied due process because they were supported by some evidence in the record and had a basis in fact.

KEY QUOTATIONS

“Accordingly, the Due Process Clause requires that a prisoner subject to a loss of good time credit through disciplinary sanctions be afforded: (1) written notice of the disciplinary charges at least twenty-four hours in advance of the disciplinary hearing; (2) a neutral and detached hearing body; (3) the opportunity to call witnesses and present documentary evidence; (4) an opportunity for non-attorney representation if the inmate is illiterate or the disciplinary hearing is complex; and (5) a written statement provided by the fact finder(s) outlining the evidence relied upon and the reasons for the chosen course of disciplinary action.” (at 7)

“However, for its decision to satisfy the Due Process Clause, the BOP need only have “some evidence” supporting its findings, and those findings need only have “some basis in fact.”” (at 10)

FACTUAL BACKGROUND

Tucker, a federal inmate, was searched at a federal correctional facility on May 10, 2024, fled from staff despite orders to stop, discarded a sock containing a cellular telephone and related electrical equipment, and removed his

glasses and knit cap while fleeing. The incident was referred to the FBI for possible prosecution and later released to the BOP for administrative processing. Following notice, a disciplinary hearing, and an opportunity to present witnesses, evidence, and staff representation, the DHO found Tucker committed prohibited acts including possession of a hazardous tool, attempted escape-like interference with staff, and refusal to obey an order, imposing the loss of 82 days of good-conduct time and forfeiture of 81 days of non-vested good-conduct time.

PROCEDURAL HISTORY

After BOP officials found Tucker committed several disciplinary infractions and imposed the loss of 82 days of earned good-conduct time and forfeiture of 81 days of non-vested good-conduct time, Tucker exhausted his administrative remedies. He filed a § 2241 petition seeking expungement of the incident report and restoration of his credits. The court granted Respondent's summary-judgment motion and dismissed the petition with prejudice.

DISPOSITION

dismissed

CASES CITED

- Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-25 (1986)
- Spriggs v. Diamond Auto Glass, 242 F.3d 179, 183 (4th Cir. 2001)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248-49, 255 (1986)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586-87 (1986)
- Reeves v. Sanderson Plumbing Prods., Inc., 530 U.S. 133, 150 (2000)
- Wolff v. McDonnell, 418 U.S. 539, 556-57, 563-67 (1974)
- Superintendent Mass. Corr. Inst., Walpole v. Hill, 472 U.S. 445, 454-55, 465 (1985)
- Crawley v. Wilson, No. 2:11-cv-542, 2012 WL 2505118, at *4 (E.D. Va. May 16, 2012)
- Santiago-Lugo v. Warden, 785 F.3d 467, 475-76 (11th Cir. 2015)
- Guerrero v. Recktenwald, 542 F. App'x 161, 164 (3d Cir. 2013)
- Lee v. Thompson, No. 4:22-cv-232, 2022 WL 1785251, at *4 (M.D. Pa. June 1, 2022)
- Boyd v. O'Brien, No. 7:08-cv-289, 2008 WL 2074073, at *7 (W.D. Va. 2008), aff'd, 301 F. App'x 292 (4th Cir. 2008)
- Fogg v. Smith, 2019 WL 3561519, at *3-5 (E.D.N.C. 2019)
- Ricci v. DeStefano, 557 U.S. 557, 586 (2009)
- Frayer v. Warden, FCI Beckley, No. 23-6054, 2023 WL 3268719, at *1 (4th Cir. May 5, 2023)