

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

Juan Gabriel Barrios v. Acting Warden Bienemy

Barrios · No. 3:25cv660 (RCY) · Decided April 22, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia denied a federal inmate’s 28 U.S.C. § 2241 petition challenging the Bureau of Prisons’ refusal to apply First Step Act earned time credits toward prerelease custody. The court held that the statute requires minimum or low recidivism-risk status for statutory eligibility and that the warden’s discretionary decision to deny an exception was not reviewable. The court granted the respondent’s motion to dismiss and dismissed the action.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Richmond Division
WRITING FOR THE COURT	Roderick C. Young
JURISDICTION	United States District Court for the Eastern District of Virginia, Richmond Division
DECIDED	April 22, 2026
DOCKET	3:25cv660 (RCY)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Federal inmate filed 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 prerelease custody. Respondent moved to dismiss.
STANDARD OF REVIEW	A § 2241 petition is subject to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6) standards. On a Rule 12(b)(6) motion, well-pleaded factual allegations are accepted as true and viewed in the light most favorable to the petitioner, but legal conclusions are not presumed true; the petition must allege facts sufficient to state a facially plausible claim.
PRECEDENTIAL VALUE	unpublished
PARTIES	Juan Gabriel Barrios v. Acting Warden Bienemy

TOPICS

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QUESTIONS PRESENTED

1. Whether 18 U.S.C. § 3624(g)(1) permits a prisoner with a medium recidivism-risk classification to apply earned First Step Act time credits toward transfer to prerelease custody based on demonstrated risk reduction under § 3624(g)(1)(B).
2. Whether the court may review the warden's discretionary denial of a prisoner's request to apply earned First Step Act time credits under 18 U.S.C. § 3624(g)(1)(D)(i)(II).

HOLDINGS

1. Section 3624(g)(1)(D)(i)(I) unambiguously requires a prisoner seeking transfer to prerelease custody through the statutory entitlement route to have been determined to be a minimum or low recidivism risk on the last two assessments. A medium-risk prisoner is therefore not entitled to application of earned time credits under Option One, even if the prisoner has demonstrated risk reduction under § 3624(g)(1)(B).
2. The warden's discretionary decision to deny a prisoner's request for approval to apply earned time credits under 18 U.S.C. § 3624(g)(1)(D)(i)(II) is not reviewable by the court.

KEY QUOTATIONS

“Put simply, Loper Bright is not applicable and Petitioner was and is not entitled to apply his time credits for a transfer to prerelease custody pursuant to Option One.” (III.A)

“Because the Court is unable to review or consider the warden’s decision, the portions of Claims One through Four that address Option Two will also be DISMISSED.” (III.B)

FACTUAL BACKGROUND

Barrios, a federal inmate at FCI Petersburg, earned First Step Act time credits and reduced his PATTERN recidivism-risk classification from high to medium. Because he remained classified as medium risk, he sought an exemption from the rules preventing application of his credits toward prerelease custody. Acting Warden Bienemy denied the request, citing Barrios's commission of 100- and 200-level prohibited acts during incarceration.

PROCEDURAL HISTORY

Barrios initially filed a legal memorandum seeking relief under § 2241. The court directed him to use the standardized § 2241 form, which he filed on September 23, 2025, asserting four substantially identical claims.

The respondent moved to dismiss, Barrios opposed the motion, and the respondent replied. The court granted the motion to dismiss, denied the petition, and dismissed the action.

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 (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)
- Republican Party of N.C. v. Martin, 980 F.2d 943, 952 (4th Cir. 1992)
- Mylan Lab’ys., Inc. v. Matkari, 7 F.3d 1130, 1134 (4th Cir. 1993)
- Ashcroft v. Iqbal, 556 U.S. 662, 678–79 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 556, 570 (2007)
- Conley v. Gibson, 355 U.S. 41, 47 (1957)
- Bass v. E.I. DuPont de Nemours & Co., 324 F.3d 761, 765 (4th Cir. 2003)
- Gordon v. Leeke, 574 F.2d 1147, 1151 (4th Cir. 1978)
- Brock v. Carroll, 107 F.3d 241, 243 (4th Cir. 1997) (Luttig, J., concurring)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir. 1985)
- Williams v. FCI Beckley Warden, No. 5:25-00189, 2025 WL 4033845, at *3, *5 (S.D. W. Va. Nov. 19, 2025)
- Sharma v. Peters, 756 F. Supp. 3d 1271, 1276 (M.D. Ala. 2024)
- Mohammed v. Stover, No. 3:23-CV-757 (SVN), 2024 WL 1769307, at *5 (D. Conn. Apr. 23, 2024)
- Pierre v. Joseph, No. 4:23-2535-JFA-TER, 2023 WL 5758662, at *2 n.2 (D.S.C. July 14, 2023)
- West v. Cutwright, No. 1:24-CV-00380, 2025 WL 2639883, at *5 (S.D. W. Va. July 9, 2025)
- Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 412–13 (2024)
- Purdy v. Carter, No. BAH-24-582, 2024 WL 4651275, at *5 (D. Md. Nov. 1, 2024)
- Chevron, U.S.A., Inc. v. Natural Resources Defense Council, Inc., 467 U.S. 837, 844 (1984)
- Welch v. Heckard, No. 5:23-cv-00347, 2023 WL 6885005, at *4 (S.D. W. Va. Sept. 19, 2023)
- Brown v. Holzapfel, No. 5:24-cv-00062, 2024 WL 3264795, at *3 (S.D. W. Va. June 6, 2024)
- Nevel v. Brown, No. 5:23-CV-285, 2023 WL 8505881, at *6 (N.D. W. Va. Oct. 27, 2023)