

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY

Zharnonikov v. Acting Warden—FMC Lexington

Zharnonikov · No. Civil Action No. 5:26-131-DCR · Decided April 14, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky denied Sergei Zharnonikov’s 28 U.S.C. § 2241 petition challenging the Bureau of Prisons’ calculation of his release date. The court dismissed the action without prejudice because Zharnonikov had not exhausted the BOP’s administrative grievance process.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky
JURISDICTION	United States District Court for the Eastern District of Kentucky
DECIDED	April 14, 2026
DOCKET	Civil Action No. 5:26-131-DCR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the Bureau of Prisons' calculation of the petitioner's release date; denied on initial screening for failure to exhaust administrative remedies.
STANDARD OF REVIEW	Initial screening under 28 U.S.C. § 2243; sua sponte dismissal is appropriate when failure to exhaust administrative remedies is apparent from the face of the pleading.
PRECEDENTIAL VALUE	Unknown
PARTIES	Sergei Zharnonikov v. Acting Warden—FMC Lexington

TOPICS

- federal habeas corpus
- exhaustion of remedies
- post-conviction relief
- administrative procedure act

PRACTICE AREAS

- federal habeas corpus
- administrative law
- post-conviction relief

QUESTIONS PRESENTED

1. Whether the court should deny and dismiss a § 2241 petition challenging the Bureau of Prisons' release-date calculation when the petitioner had not exhausted the Bureau's administrative grievance process.
2. Whether sua sponte dismissal was appropriate because the failure to exhaust was apparent from the face of the petition.

HOLDINGS

1. The petitioner was required to fully exhaust the Bureau of Prisons' administrative grievance process before seeking § 2241 habeas relief, and he had not demonstrated a valid basis to bypass exhaustion.
2. Sua sponte dismissal of the § 2241 petition was appropriate because the petition's failure to exhaust administrative remedies was apparent from its face.

KEY QUOTATIONS

“Where a petitioner’s failure to exhaust his administrative remedies is apparent from the face of the pleading itself, sua sponte dismissal is appropriate.” (at 2)

“Zharnonikov’s petition for a writ of habeas corpus [Record No. 1] is DENIED without prejudice.” (at 2)

FACTUAL BACKGROUND

Sergei Zharnonikov was incarcerated at the Federal Medical Center in Lexington, Kentucky, and alleged that the Bureau of Prisons improperly calculated his release date. In his § 2241 form petition, he left blank the sections asking whether he had sought an administrative remedy and stated that administrative remedies were futile. He did not explain the alleged futility or identify authority permitting him to bypass the Bureau of Prisons' multi-tiered grievance process.

PROCEDURAL HISTORY

Zharnonikov, proceeding pro se, filed a § 2241 petition in the Eastern District of Kentucky. On initial screening under 28 U.S.C. § 2243, the court determined from the face of the petition that he had not pursued the Bureau of Prisons' administrative grievance process and had not shown a legally sufficient basis to bypass exhaustion. The court denied the petition without prejudice and dismissed and struck the action from its docket.

DISPOSITION

dismissed

CASES CITED

- Fazzini v. Ne. Ohio Corr. Ctr., 473 F.3d 229, 231 (6th Cir. 2006)
- Kenney v. Ormond, No. 17-5889 (6th Cir. May 7, 2018)