

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Dustin Joseph v. Warden, FCI-Mendota

No. 1:25-cv-00800-SKO (HC) · No. No. 1:25-cv-00800-SKO (HC) · Decided November 14, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends denying the respondent’s motion to dismiss and granting Dustin Joseph’s 28 U.S.C. § 2241 petition. The court concludes that Joseph became eligible to earn First Step Act time credits when he entered Bureau of Prisons custody on December 21, 2023, rather than when he arrived at his designated facility on January 8, 2024. The court recommends that the Bureau of Prisons recalculate his credits using the earlier date and excuses his failure to exhaust administrative remedies.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 14, 2025
DOCKET	No. 1:25-cv-00800-SKO (HC)
DISPOSITION	other
PROCEDURAL POSTURE	Federal prisoner filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 challenging the Bureau of Prisons' calculation of the date on which he could begin earning First Step Act time credits. Respondent moved to dismiss for failure to exhaust administrative remedies and alternatively sought denial on the merits. The magistrate judge issued findings and recommendation to deny the motion and grant the petition, subject to review by an assigned district judge.
STANDARD OF REVIEW	The motion to dismiss was reviewed under Rule 4 standards applicable to habeas petitions. Exhaustion of administrative remedies was treated as a judicially created, nonjurisdictional requirement subject to discretionary waiver. The statutory interpretation issue was analyzed under the Chevron framework as described in the recommendation.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Dustin Joseph v. Warden, FCI-Mendota

TOPICS

federal habeas corpus

exhaustion of remedies

statutory interpretation

administrative law

remedies

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the court should excuse Joseph's failure to exhaust the Bureau of Prisons' administrative-remedy process.
2. Whether a federal prisoner begins earning First Step Act time credits when he is taken into BOP custody awaiting transportation to the facility where his sentence will be served, or only when he arrives at that designated facility.
3. Whether 28 C.F.R. § 523.42(a) conflicts with 18 U.S.C. §§ 3585(a) and 3632(d)(4)(B)(ii) by delaying the commencement of First Step Act credit earning until arrival at the designated facility.

HOLDINGS

1. The court recommended excusing Joseph's failure to exhaust because administrative remedies were not efficacious and further pursuit would be futile where the dispute turned on an allegedly mistaken interpretation of unambiguous statutory language.
2. A prisoner becomes eligible to earn First Step Act time credits when he is received into BOP custody awaiting transportation to the official detention facility where his sentence is to be served, rather than only when he arrives at the designated facility.
3. The recommendation concluded that § 523.42(a) conflicts with the unambiguous statutory text and therefore is not entitled to Chevron deference to the extent it delays credit eligibility until arrival at the designated facility.

KEY QUOTATIONS

“A sentence to a term of imprisonment commences on the date the defendant is received in custody awaiting transportation to, or arrives voluntarily to commence service of sentence at, the official detention facility at which the sentence is to be served.” (at 7)

“Because Section 523.42(a) sets a timeline that conflicts with an unambiguous statute, it is not entitled to Chevron deference, and the Court must give effect to the statutory text.” (at 8)

FACTUAL BACKGROUND

Joseph was sentenced in the District of Nevada on November 27, 2023, to 120 months' imprisonment. He entered Bureau of Prisons custody on December 21, 2023, while awaiting transportation to a designated facility,

and arrived at that facility on January 8, 2024. The BOP used January 8, 2024, as the date he began earning First Step Act credits, while Joseph contended that December 21, 2023, was the correct date.

PROCEDURAL HISTORY

Joseph filed the § 2241 petition on July 2, 2025. Respondent filed a motion to dismiss and response on September 19, 2025, asserting failure to exhaust and arguing against relief on the merits. The magistrate judge recommended excusing exhaustion, denying the motion to dismiss, granting the petition, and directing recalculation of credits using December 21, 2023, as the commencement date.

DISPOSITION

other

REMAND INSTRUCTIONS

The recommendation directed the BOP to recalculate Joseph's sentence and First Step Act credits using December 21, 2023, as the date he became eligible to earn credits. The recommendation was submitted to the assigned district judge for review under 28 U.S.C. § 636(b)(1)(B)-(C), and was not itself an immediately appealable final order.

CASES CITED

- O'Bremski v. Maass, 915 F.2d 418, 420 (9th Cir. 1990)
- White v. Lewis, 874 F.2d 599, 602-03 (9th Cir. 1989)
- Hillery v. Pulley, 533 F. Supp. 1189, 1194 & n.12 (E.D. Cal. 1982)
- United States v. Joseph, Case No. 3:21-cr-00025-MMD-CSD-1 (D. Nev. 2021)
- Martinez v. Roberts, 804 F.2d 570, 571 (9th Cir. 1986)
- Chua Han Mow v. United States, 730 F.2d 1308, 1313 (9th Cir. 1984)
- Ruviwat v. Smith, 701 F.2d 844, 845 (9th Cir. 1983)
- Brown v. Rison, 895 F.2d 533, 535 (9th Cir. 1990)
- Ward v. Chavez, 678 F.3d 1042, 1045 (9th Cir. 2012)
- United States v. Cal. Care Corp., 709 F.2d 1241, 1248 (9th Cir. 1983)
- McGee v. United States, 402 U.S. 479, 484 (1971)
- McKart v. United States, 395 U.S. 185, 193-95 (1969)
- Stauffer Chemical Co. v. FDA, 670 F.2d 106, 107 (9th Cir. 1982)
- Albino v. Baca, 747 F.3d 1162, 1169 (9th Cir. 2014)
- Montgomery v. Rumsfeld, 572 F.2d 250, 253 (9th Cir. 1978)
- Laing v. Ashcroft, 370 F.3d 994, 1000 (9th Cir. 2004)
- Allen v. Crabtree, 153 F.3d 1030, 1033 (9th Cir. 1998)
- Bottinelli v. Salazar, 929 F.3d 1196, 1198 (9th Cir. 2019)
- FDA v. Brown & Williamson Tobacco Corp., 529 U.S. 120, 132 (2000)

- *Mujahid v. Daniels*, 413 F.3d 991, 997 (9th Cir. 2005)
- *Pacheco-Camacho v. Hood*, 272 F.3d 1266, 1268 (9th Cir. 2001)
- *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837, 842-43 (1984)
- *Yufenyuy v. Warden, FCI Berlin*, 2023 WL 2398300, at *4 (D.N.H. 2023)
- *Huihui v. Derr*, 2023 WL 4086073, at *2 (D. Haw. 2023)
- *Patel v. Barron*, 2023 WL 6311281, at *5 (W.D. Wash. 2023)
- *Umejesi v. Warden, FCI Berlin*, 2023 WL 4101455 (D.N.H. 2023)
- *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014)

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