

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, NORTHERN DIVISION

Luis Javier Garcia v. Warden Yazoo City Low

Garcia · No. 3:25-CV-306-TSL-RPM · Decided May 13, 2026

SUMMARY

A federal magistrate judge recommends denying and dismissing Luis Javier Garcia’s 28 U.S.C. § 2241 petition challenging the Bureau of Prisons’ denial of First Step Act time credits and seeking transfer to prerelease custody. The recommendation concludes that Garcia was ineligible for the credits because he was subject to a final order of removal and alternatively determines that the petition became moot after his release from Bureau of Prisons custody.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Northern Division
WRITING FOR THE COURT	Robert P. Myers, Jr.
JURISDICTION	United States District Court for the Southern District of Mississippi, Northern Division
DECIDED	May 13, 2026
DOCKET	3:25-CV-306-TSL-RPM
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2241 petition challenging the Bureau of Prisons' denial or exclusion of First Step Act time credits and seeking transfer to prerelease custody. The magistrate judge issued a report and recommendation recommending denial and dismissal.
STANDARD OF REVIEW	A federal prisoner generally must exhaust available administrative remedies before filing a § 2241 petition, subject to exceptions for unavailable, inappropriate, or futile remedies. Article III requires an actual, ongoing case or controversy.
PRECEDENTIAL VALUE	Nonprecedential report and recommendation
PARTIES	Luis Javier Garcia v. Warden Yazoo City Low

TOPICS

federal habeas corpus

removal proceedings

subject matter jurisdiction

post-conviction relief

PRACTICE AREAS

Federal habeas corpus

Immigration

Federal sentencing

QUESTIONS PRESENTED

1. Whether Garcia was eligible to receive or apply First Step Act time credits despite being subject to a final order of removal.
2. Whether the § 2241 petition was moot after Garcia was released from BOP custody.
3. Whether the petition should be dismissed for failure to exhaust administrative remedies.

HOLDINGS

1. A prisoner subject to a final order of removal under the immigration laws is ineligible to apply First Step Act time credits; therefore, Garcia was not entitled to the requested credits.
2. The petition no longer presented a live case or controversy because Garcia had been released from BOP custody and could no longer obtain the requested transfer to prerelease custody.

KEY QUOTATIONS

“Because Petitioner has a final order of removal against him, he is not eligible for FSA time credits.”

“Petitioner sought the application of FSA time credits and his transfer from the BOP’s custody to prerelease custody; and his petition is now moot because he is no longer in the BOP’s custody.”

FACTUAL BACKGROUND

Garcia was convicted in the District of Puerto Rico of possession with intent to distribute a controlled substance while aboard a vessel subject to United States jurisdiction and received an 87-month prison sentence followed by five years of supervised release. He was also subject to a final order of removal dated April 10, 2025. Garcia sought First Step Act time credits and transfer to prerelease custody, but the BOP denied or excluded those credits. The BOP's inmate locator indicated that Garcia was released from BOP custody on April 13, 2026, apparently into ICE custody.

PROCEDURAL HISTORY

Garcia filed a § 2241 petition while incarcerated at FCI Yazoo City challenging the BOP's treatment of his First Step Act time credits. The respondent argued that Garcia had failed to exhaust administrative remedies and was ineligible for the credits. The magistrate judge concluded that the petition could be resolved on the merits because Garcia was subject to a final order of removal and was therefore ineligible for the credits. The court alternatively concluded that the petition was moot because Garcia had been released from BOP custody.

DISPOSITION

dismissed

CASES CITED

- Gallegos-Hernandez v. United States, 688 F.3d 190, 194 (5th Cir. 2012)
- United States v. Cleto, 956 F.2d 83, 84 (5th Cir. 1992)
- Fuller v. Rich, 11 F.3d 61, 62 (5th Cir. 1994)
- Alao v. Warden, FMC Fort Worth, No. 4:25-CV-1023-P, 2026 WL 35837, at *1 (N.D. Tex. Jan. 6, 2026)
- Ortega v. Warden, FCI-Texarkana, No. 5:23-CV-107-RWS-JBB, 2025 WL 3618826, at *3 (E.D. Tex. Sept. 9, 2025)
- Zuluaga v. Warden, FCI-Texarkana, No. 5:23-CV-128-RWS-JBB, 2025 WL 2632550, at *4 (E.D. Tex. July 11, 2025)
- Lewis v. Cont'l Bank Corp., 494 U.S. 472, 477 (1990)
- Bacilio-Sabastian v. Barr, 980 F.3d 480, 482 (5th Cir. 2020)
- Douglass v. United Services Auto. Ass'n, 79 F.3d 1415, 1428–29 (5th Cir. 1996)

OPINION

Garcia

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF MISSISSIPPI

NORTHERN DIVISION

LUIS JAVIER GARCIA PETITIONER

VERSUS CIVIL ACTION NO. 3:25-CV-306-TSL-RPM

WARDEN YAZOO CITY LOW RESPONDENT

REPORT AND RECOMMENDATIONS

Before the Court is Petitioner Luis Javier Garcia's [1] Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, in which he challenges the execution of his sentence. At the time the petition was filed, he was incarcerated at the Federal Correctional Institution in Yazoo City, Mississippi. He was convicted in the United States District Court for the District of Puerto Rico for possession with the intent to distribute a controlled substance while aboard a vessel subject to the jurisdiction of the United States. [11-1] at 5. He was sentenced to 87 months imprisonment with a 5-year term of supervised release. *Id.* He is also subject to a final order of removal dated April 10, 2025. *Id.* at 8. Petitioner sets forth three grounds in his petition, all of which relate to the Bureau of Prison's ("BOP") denial or exclusion of First Step Act ("FSA") time credits. [1] at 6–7. Because he alleges he is entitled to the application of FSA time credits, he asks this Court to order the BOP to transfer him into prerelease custody. *Id.* at 8. In response to the petition, Respondent Warden Yazoo City Low argues the petition should be dismissed because Petitioner failed to exhaust his administrative

remedies and Petitioner is not entitled to the application of FSA time credits. [11] at 2. “Section 2241 is the proper procedural vehicle if a prisoner ‘challenges the execution of his sentence rather than the validity of his conviction and sentence.’” *Gallegos-Hernandez v. United States*, 688 F.3d 190, 194 (5th Cir. 2012) (quoting *United States v. Cleto*, 956 F.2d 83, 84 (5th Cir. 1992)). “[A] federal prisoner filing a § 2241 petition must first pursue all available administrative remedies.” *Id.* But “[e]xceptions to the exhaustion requirement are appropriate where the available administrative remedies either are unavailable or wholly inappropriate to the relief sought, or where the attempt to exhaust such remedies would itself be a patently futile course of actions.” *Id.* (quoting *Fuller v. Rich*, 11 F.3d 61, 62 (5th Cir. 1994)). At the outset, the Court briefly addresses the exhaustion requirement. It appears that Petitioner has failed to exhaust his administrative remedies. According to the Declaration submitted by Respondent, Petitioner failed to file any administrative remedies. [11-1] at 3. Furthermore, there is no indication that Petitioner argues he should be excused from the exhaustion requirement. Nevertheless, the instant petition can be easily resolved on the merits. Under the FSA, the BOP is authorized “to grant time credits to eligible inmates.” *Alao v. Warden, FMC Fort Worth*, No. 4:25-CV-1023-P, 2026 WL 35837, at *1 (N.D. Tex. Jan. 6, 2026) (citing 18 U.S.C. § 3624(g)). “Calculation of time credits lies within the discretion of the BOP.” *Id.* (citing 18 U.S.C. § 3624(b)). However, “[c]ertain convictions disqualify inmates from earning FSA time credits.” *Id.* (citing 18 U.S.C. § 3632(d)(4)(D)). For example, “an inmate who is the subject of a final order of removal under any provision of the immigration laws is ineligible to apply time credits.” *Id.* (citing 18 U.S.C. § 3632(d)(4)(E)(i); 28 C.F.R. § 523.44(a)(2)); see *Ortega v. Warden, FCI-Texarkana*, No. 5:23-CV-107-RWS-JBB, 2025 WL 3618826, at *3 (E.D. Tex. Sept. 9, 2025); *Zuluaga v. Warden, FCI-Texarkana*, No. 5:23-CV-128-RWS-JBB, 2025 WL 2632550, at *4 (E.D. Tex. July 11, 2025). Because Petitioner has a final order of removal against him, he is not eligible for FSA time credits. [11-1] at 8. Therefore, his petition should be dismissed. Alternatively, the undersigned sua sponte addresses the issue of mootness. According to the BOP’s online inmate locator, Petitioner was released from the BOP’s custody on April 13, 2026.¹ “Under Article III of the Constitution, federal courts may adjudicate only actual, ongoing cases or controversies.” *Lewis v. Cont’l Bank Corp.*, 494 U.S. 472, 477 (1990). “To invoke the jurisdiction of a federal court, a litigant must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *Id.* (citations omitted). The “[m]ootness doctrine requires that, to show a case or controversy under Article III of the Constitution, ‘through all stages of federal judicial proceedings, trial and appellate[,] . . . parties must continue to have a personal stake in the outcome of the lawsuit.’” *Bacilio-Sabastian v. Barr*, 980 F.3d 480, 482 (5th Cir. 2020) (finding former immigration detainee’s petition moot) (quoting *Lewis*, 494 U.S. at 477–48). Petitioner sought the application of FSA time credits and his transfer from the BOP’s custody to prerelease custody; and his petition is now moot because he is no longer in the BOP’s custody. Accordingly, the instant petition no longer presents a live case or controversy for purposes of satisfying Article

III and, in the alternative, may be dismissed as moot.

RECOMMENDATION

The undersigned recommends that Petitioner Luis Javier Garcia's 28 U.S.C. § 2241 Petition for Writ of Habeas Corpus be DENIED and DISMISSED.

NOTICE OF RIGHT TO APPEAL/OBJECT

Pursuant to 28 U.S.C. § 636(b)(1), any party who desires to object to this report must serve and file written objections within fourteen (14) days after being served with a copy unless the time period is modified by the District Court. A party filing objections must specifically identify those findings, conclusions, and recommendations to which objections are being made; the District 1 It appears Petitioner was transferred to ICE custody. Court need not consider frivolous, conclusive, or general objections. Such party shall file the objections with the Clerk of the Court and serve the objections on the District Judge and on all other parties. A party's failure to file such objections to the proposed findings, conclusions, and recommendation contained in this report shall bar that party from a de novo determination by the District Court. Additionally, a party's failure to file written objections to the proposed findings, conclusions, and recommendation contained in this report within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the proposed factual findings and legal conclusions that have been accepted by the District Court and for which there is no written objection. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996). SO ORDERED, this the 13th day of May 2026. /s/ Robert P. Myers, Jr. ROBERT P. MYERS, JR.

UNITED STATES MAGISTRATE JUDGE