

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PRECEDENTIAL VALUE	Nonprecedential report and recommendation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

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PRACTICE AREAS

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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)

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