

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

Freddy Fernandez-Breth v. Warden B. Wingfiled

Fernandez-Breth · No. 3:25-cv-281-CWR-LGI · Decided May 27, 2026

SUMMARY

A United States magistrate judge recommends dismissing as moot Freddy Fernandez-Breth’s 28 U.S.C. § 2241 petition challenging the Bureau of Prisons’ failure to apply First Step Act credits. The recommendation states that the credits were applied, resulting in Fernandez-Breth’s release and transfer to Immigration and Customs Enforcement custody, eliminating any live case or controversy.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Northern Division
WRITING FOR THE COURT	LaKeysha Greer Isaac
JURISDICTION	United States District Court for the Southern District of Mississippi, Northern Division
DECIDED	May 27, 2026
DOCKET	3:25-cv-281-CWR-LGI
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2241 habeas petition challenging the Bureau of Prisons' failure to apply First Step Act credits. The respondent moved to dismiss as moot after the requested credits were applied and petitioner was released from BOP custody.
STANDARD OF REVIEW	A federal court must have an actual, ongoing case or controversy at every stage of the proceedings; a case is moot when circumstances eliminate the controversy and no relief can be granted.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Freddy Fernandez-Breth v. Warden B. Wingfiled

TOPICS

- federal habeas corpus
- post-conviction relief
- motions to dismiss
- subject matter jurisdiction
- civil procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether the petition for a writ of habeas corpus under 28 U.S.C. § 2241 became moot after the Bureau of Prisons applied the requested First Step Act credits and released petitioner from BOP custody.

HOLDINGS

1. The petition no longer presented a live case or controversy because the Bureau of Prisons applied the requested First Step Act credits, resulting in petitioner's release from BOP custody; dismissal as moot was therefore recommended.

KEY QUOTATIONS

“Under Article III of the Constitution, federal courts may adjudicate only actual, ongoing cases or controversies.”

“in order to maintain jurisdiction, the court must have before it an actual case or controversy at all stages of the judicial proceedings.”

FACTUAL BACKGROUND

Fernandez-Breth was incarcerated at the Federal Correctional Complex in Yazoo City, Mississippi, and sought early release based on the Bureau of Prisons' alleged failure to apply credits under the First Step Act of 2018. The Bureau of Prisons subsequently applied the requested credits. He was released from BOP custody and transferred to ICE custody on September 4, 2025.

PROCEDURAL HISTORY

Fernandez-Breth filed a § 2241 petition while incarcerated at the Federal Correctional Complex in Yazoo City, Mississippi. The respondent submitted BOP records showing that the requested First Step Act credits had been applied, resulting in petitioner's release and transfer to ICE custody on September 4, 2025. The magistrate judge issued this Report and Recommendation recommending dismissal as moot, subject to objections under Federal Rule of Civil Procedure 72(b).

DISPOSITION

dismissed

CASES CITED

- Lewis v. Cont'l Bank Corp., 494 U.S. 472, 477 (1990)
- United States v. Vega, 960 F.3d 669, 672 (5th Cir. 2020)
- Herndon v. Upton, No. 19-11156, 2021 WL 116535 (5th Cir. Jan. 13, 2021)
- Ctr. for Individual Freedom v. Carmouche, 449 F.3d 655, 661 (5th Cir. 2006)

- *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI NORTHERN DIVISION FREDDY FERNANDEZ-BRETH PETITIONER V. CIVIL ACTION NO. 3:25-cv-281-CWR-LGI WARDEN B. WINGFILED RESPONDENT
REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE
Petitioner Fernandez-Breth filed the instant petition for writ of habeas corpus under 28 U.S.C. § 2241 while incarcerated at the Federal Correctional Complex (“FCC”) in Yazoo City, Mississippi.

Seeking an early release, Petitioner challenges the Bureau of Prison’s (“BOP”) failure to apply the appropriate credits to his sentence under the First Step Act of 2018. Respondent, advising that the requested relief has since been granted, moves to dismiss the petition as moot on the grounds that Petitioner was released and transferred into ICE custody on September 4, 2025.

Having considered the submissions of the parties and the applicable law, the undersigned recommends that the petition be dismissed for the reasons below. “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) (citation omitted). While it is indisputable that Petitioner satisfied the jurisdictional “in custody” requirement at the time of filing, “[i]n order to maintain jurisdiction, the court must have before it an actual case or controversy at all stages of the judicial proceedings.” *United States v. Vega*, 960 F.3d 669, 672 (5th Cir.

2020). A case becomes moot if it no longer presents a case or controversy for which relief can be granted. *Herndon v. Upton*, No. 19-11156, 2021 WL 116535 (5th Cir. Jan. 13, 2021). Generally, any set of circumstances eliminating the controversy after the lawsuit is filed renders the case moot. *Ctr. for Individual Freedom v. Carmouche*, 449 F.3d 655, 661 (5th Cir.

2006). Respondent has submitted BOP records showing that Petitioner received the requested FSA credits, resulting in his subsequent release and transfer into ICE custody on September 4, 2025. Given this evidence, this case no longer presents a live case or controversy.

The undersigned, therefore, recommends that the motion to dismiss the petition be granted. NOTICE OF RIGHT TO APPEAL/OBJECT Under Rule 72(a)(3) of the Local Uniform Civil Rules of the United States District Courts for the Northern District of Mississippi and the Southern District of Mississippi, any party may serve and file written objections within 14 days after being served with a copy of this Report and Recommendation.

Within 7 days of the service of the objection, the opposing party must either serve and file a response or notify the District Judge that he or she does not intend to respond to the objection. The parties are notified that failure to file timely written objections to the proposed findings, conclusions, and recommendations contained within this report and recommendation will bar that

party from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court, except upon grounds of plain error.

28 U.S.C. § 636, Fed. R. Civ. P. 72(b) (as amended, effective December 1, 2009); *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996). Respectfully submitted on May 27, 2026. s/ LaKeysha Greer Isaac UNITED STATES MAGISTRATE JUDGE