

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Onebunne v. Warden, FCI Mendota

Onebunne v. Warden, FCI Mendota · No. 1:25-cv-00103-KES-SKO (HC) · Decided August 28, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted findings and recommendations recommending dismissal of Ugochukwu L. Onebunne’s 28 U.S.C. § 2241 petition. The court held that, because the petitioner was subject to a final order of removal, the First Step Act barred him from applying earned time credits toward release, and it dismissed the petition with prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 28, 2025
DOCKET	1:25-cv-00103-KES-SKO (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the denial of First Step Act earned time credits was dismissed with prejudice after the district court adopted the magistrate judge's findings and recommendations.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1) of the magistrate judge's findings and recommendations.
PRECEDENTIAL VALUE	Unpublished federal district court order; generally nonprecedential.

TOPICS

- federal habeas corpus
- immigration
- statutory interpretation
- post-conviction relief
- civil procedure

PRACTICE AREAS

- Federal habeas corpus
- Immigration
- Federal courts

QUESTIONS PRESENTED

1. Whether a federal prisoner subject to a final order of removal is eligible to receive First Step Act earned time credits to reduce the length of incarceration.
2. Whether the petition should be dismissed after the district court adopted the magistrate judge's findings and recommendations.
3. Whether a certificate of appealability is required for an appeal from the denial of a § 2241 petition.

HOLDINGS

1. An inmate subject to a final order of removal is expressly ineligible under 18 U.S.C. § 3632(d)(4)(E)(i) to receive earned time credits to reduce the length of incarceration. Because petitioner was subject to such an order, he was not entitled to the requested habeas relief.
2. A certificate of appealability is not required for an appeal from an order denying a § 2241 petition when the detention complained of does not arise from process issued by a state court.

KEY QUOTATIONS

“The First Step Act expressly disallows inmates subject to a final order of removal from receiving earned time credits to reduce the length of their incarceration. 18 U.S.C. § 3632(d)(4)(E)(i). Petitioner is therefore not entitled to the relief he seeks.” (at 14-16)

“a certificate of appealability will not be required because this is an order denying a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, not a final order in a habeas proceeding in which the detention complained of arises out of process issued by a state court.” (at 17-21)

FACTUAL BACKGROUND

Ugochukwu L. Onebunne is a federal prisoner subject to an immigration detainer and a final order of removal. He sought to apply earned time credits under the First Step Act toward his release, arguing that a Bureau of Prisons Program Statement was inconsistent with the statute. The district court judicially noticed government immigration case information establishing the final order of removal.

PROCEDURAL HISTORY

Petitioner, a federal prisoner proceeding pro se and in forma pauperis, filed a § 2241 petition asserting that an immigration detainer and a Bureau of Prisons Program Statement unlawfully prevented him from applying First Step Act earned time credits toward release. The matter was referred to a magistrate judge, who recommended dismissal after determining that petitioner was subject to a final order of removal and therefore ineligible for the credits. No objections were filed, and the district court conducted de novo review, adopted the findings and recommendations, dismissed the petition with prejudice, and directed entry of judgment.

DISPOSITION

dismissed

CASES CITED

- Forde v. U.S. Parole Commission, 114 F.3d 878 (9th Cir. 1997)
- Ojo v. INS, 106 F.3d 680, 681-682 (5th Cir. 1997)
- Bradshaw v. Story, 86 F.3d 164, 166 (10th Cir. 1996)
- United States v. Bernal-Obeso, 989 F.2d 331, 333 (9th Cir. 1993)
- United States v. Basher, 629 F.3d 1161, 1165 n.2 (9th Cir. 2011)

OPINION

(HC)Onebunne v. Warden, FCI Mendota

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

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11 UGOCHUKWU L. ONEBUNNE, No. 1:25-cv-00103-KES-SKO (HC)

12 Petitioner, ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING

13 PETITION FOR WRIT OF HABEAS

CORPUS, AND DIRECTING CLERK OF

14 v. COURT TO ENTER JUDGMENT AND

CLOSE CASE

15

16 Doc. 7

WARDEN, F.C.I. MENDOTA,

17 Respondent. 18

19 20 21 Petitioner Ugochukwu L. Onebunne is a federal prisoner proceeding pro se and in forma
22 pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner
asserts 23 that he is subject to an immigration detainer and, due to an allegedly unlawful Bureau of
Prisons 24 Program Statement, is barred from applying First Step Act earned time credits toward
his release.

25 Doc. 1 at 6. Petitioner argues that the Program Statement is inconsistent with the express terms
of

26 the First Step Act, and he should be able to apply the earned time credits toward his release. Id.
at 27 16–18. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. 28
§ 636(b)(1)(B) and Local Rule 302. 1 On February 18, 2025, the assigned magistrate judge issued
findings and 2 recommendations to dismiss the petition. Doc. 7. The findings and
recommendations explained 3 that petitioner is subject not only to an immigration detainer but
also to a final order of removal, 4 and he is therefore ineligible for earned time credits under the
terms of the statute. Id. at 3. 5 Those findings and recommendations were served upon all parties

and contained notice that any 6 objections thereto were to be filed within twenty-one (21) days after service. No objections have 7 been filed, and the deadline to do so has expired. 8 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de 9 novo review of the case. Having carefully reviewed the file, the Court concludes that the findings 10 and recommendations are supported by the record and proper analysis. Petitioner is subject to a 11 final order of removal. See U.S. Dep't of Justice, Executive Office for Immigration Review, 12 Automated Case Information, <https://acis.eoir.justice.gov/en/caseInformation> (utilizing 13 petitioner's A-number, 204-611-711) (last visited August 27, 2025).¹ The First Step Act 14 expressly disallows inmates subject to a final order of removal from receiving earned time credits 15 to reduce the length of their incarceration. 18 U.S.C. § 3632(d)(4)(E)(i). Petitioner is therefore 16 not entitled to the relief he seeks. 17 In the event a notice of appeal is filed, a certificate of appealability will not be required 18 because this is an order denying a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, 19 not a final order in a habeas proceeding in which the detention complained of arises out of 20 process issued by a state court. *Forde v. U.S. Parole Commission*, 114 F.3d 878 (9th Cir. 1997); 21 see *Ojo v. INS*, 106 F.3d 680, 681-682 (5th Cir. 1997); *Bradshaw v. Story*, 86 F.3d 164, 166 (10th 22 Cir. 1996).

23 / / / 24 1 The Court may take judicial notice of facts that are capable of accurate and ready determination 25 by resort to sources whose accuracy cannot reasonably be questioned. *Fed. R. Evid.* 201(b); *United States v. Bernal-Obeso*, 989 F.2d 331, 333 (9th Cir. 1993). Courts regularly take judicial 26 notice of online case information located on government websites. See, e.g., *See United States v. 27 Basher*, 629 F.3d 1161, 1165 n.2 (9th Cir. 2011) (taking judicial notice of BOP's online Inmate Locator to determine date defendant was released from custody). The Court takes judicial notice 28 of petitioner's immigration case information. 1 Accordingly, 2 1. The findings and recommendations issued on February 18, 2025, Doc. 7, are 3 adopted; 4 2. The petition for writ of habeas corpus is dismissed with prejudice; and 5 3. The Clerk of Court is directed to enter judgment and close the case. 6 7

g | IT ISSO ORDERED. _

9 Dated: _ August 28, 2025 □□

10 UNITED STATES DISTRICT JUDGE

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