

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Norberto Martinez v. Michael Underwood, Warden, F.C.I. Loretto

Martinez v. Underwood, No. 3:25-159 (W.D. Pa. Jan. 27, 2026) · No. 3:25-159 · Decided January 27, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania adopted a magistrate judge’s report and recommendation and denied a 28 U.S.C. § 2241 petition. The court held that the petitioner was statutorily ineligible to earn First Step Act time credits because of a conviction under 18 U.S.C. § 924(c).

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Nora Barry Fischer
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	January 27, 2026
DOCKET	3:25-159
DISPOSITION	denied
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241. The court reviewed the magistrate judge's report and recommendation de novo and denied the petition.
STANDARD OF REVIEW	De novo review of the Report and Recommendation and independent review of the record.
PRECEDENTIAL VALUE	Unpublished district court memorandum order; precedential status not stated.
PARTIES	Norberto Martinez v. Michael Underwood, Warden, F.C.I. Loretto

TOPICS

- federal habeas corpus
- post-conviction relief
- statutory interpretation

PRACTICE AREAS

- Federal habeas corpus
- Post-conviction relief
- Federal prison administration

QUESTIONS PRESENTED

1. Whether a person convicted under 18 U.S.C. § 924(c) is statutorily ineligible to earn First Step Act time credits under 18 U.S.C. § 3632(d)(4)(D)(xxii).

HOLDINGS

1. A petitioner convicted under 18 U.S.C. § 924(c) is statutorily barred from earning First Step Act time credits.

KEY QUOTATIONS

“Petition [1] is DENIED, as Petitioner is statutorily barred from earned time credits due to his conviction under § 924(c)” (2)

“under the plain text of the Act, Colotti is ineligible to earn good time credits [given his 924(c) conviction]. Further, as the District Court concluded, the BOP properly aggregated Colotti's convictions as a single sentence for purposes of FSA time credits” (2)

“Congress explicitly identified Section 924(c) offenders like Pacheco Mejia as ineligible for First Step Act time-credit purposes.” (2)

FACTUAL BACKGROUND

The petition sought federal habeas relief concerning eligibility for earned or First Step Act time credits. The Report and Recommendation determined that the petitioner was statutorily barred from earning those credits because of a conviction under 18 U.S.C. § 924(c). The order identifies an inconsistency in the underlying petitioner designation, referring in its recitation to a petition filed by Michael Donell Moore while the caption names Norberto Martinez.

PROCEDURAL HISTORY

United States Magistrate Judge Keith A. Pesto issued a Report and Recommendation on December 11, 2025, recommending denial of the § 2241 petition because the petitioner was statutorily ineligible to earn First Step Act time credits based on a conviction under 18 U.S.C. § 924(c). No objections were filed. After reassignment, District Judge Nora Barry Fischer independently reviewed the record, adopted the Report and Recommendation, denied the petition, and directed that judgment follow.

DISPOSITION

denied

CASES CITED

- Colotti v. Peters, No. 25-1191, 2025 WL 1321386, at *2 (3d Cir. May 7, 2025)
- Pacheco Mejia v. Warden Loretto FCI, No. 25-2205, 2025 WL 3124474, at *1 (3d Cir. Nov. 7, 2025)

OPINION

MARTINEZ

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NORBERTO MARTINEZ,)

) Petitioner,)) v.) Civil Action No. 3:25-159) Judge Nora Barry Fischer MICHAEL
UNDERWOOD, WARDEN,) Magistrate Judge Keith Pesto

F.C.I. LORETTO,)

) Respondent.)

MEMORANDUM ORDER

AND NOW, this 27th day of January, 2026, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Keith A. Pesto on December 11, 2025, (Docket No. 11), recommending that the § 2241 habeas petition filed by Petitioner Michael Donell Moore against Warden Michael Underwood of FCI Loretto be denied as the Petitioner is statutorily barred from earned time credits due to his conviction under 18 U.S.C. § 924(c) and directing that any objections were due within 14 days such that objections from non-ECF users were due by December 29, 2025, no objections having been filed as of the date of this Order, and this matter having been recently reassigned to the undersigned for prompt disposition, and upon independent review of the record and de novo consideration of the Magistrate Judge's December 11, 2025 Report and Recommendation, (Docket No. 11), IT IS HEREBY ORDERED that the December 11, 2025 Report and Recommendation is ADOPTED as the opinion of this Court; IT IS FURTHER ORDERED that the Petition [1] is DENIED, as Petitioner is statutorily barred from earned time credits due to his conviction under § 924(c), see e.g., 18 U.S.C. § 3632(d)(4)(D)(xxii); Colotti v. Peters, No. 25-1191, 2025 WL 1321386, at *2 (3d Cir. May 7, 2025) ("under the plain text of the Act, Colotti is ineligible to earn good time credits [given his 924(c) conviction]. Further, as the District Court concluded, the BOP properly aggregated Colotti's convictions as a single sentence for purposes of FSA time credits"); Pacheco Mejia v. Warden Loretto FCI, No. 25-2205, 2025 WL 3124474, at *1 (3d Cir. Nov. 7, 2025) ("Congress explicitly identified Section 924(c) offenders like Pacheco Mejia as ineligible for First Step Act time-credit purposes."); and, IT IS FURTHER ORDERED that an appropriate Judgment follows. s/Nora Barry Fischer Nora Barry Fischer Senior U.S. District Judge cc/ecf: Magistrate Judge Keith A. Pesto cc: Norberto Martinez, Reg. No. 45757-053 F.C.I. Loretto P.O. Box 1000 Cresson, PA 16630 (via first class mail) 2