

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Rivera v. Doerer

Rivera · No. 1:24-cv-01577 JLT HBK (HC) · Decided August 20, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations in Felix A. Rivera, Jr.’s § 2241 habeas proceeding. The court denied Rivera’s motion to dismiss, granted the respondent’s motion to dismiss to the extent the petition was denied on the merits, and denied the petition based on the finding that the Bureau of Prisons correctly calculated his sentence credits. The court declined to issue a certificate of appealability and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 20, 2025
DOCKET	1:24-cv-01577 JLT HBK (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 based on an alleged Bureau of Prisons sentence-calculation error. After a magistrate judge recommended denying relief and granting Respondent's motion to dismiss to the extent the petition failed on the merits, the district court conducted de novo review, adopted the findings and recommendations, denied Petitioner's motion to dismiss, denied the habeas petition on the merits, and closed the case.
STANDARD OF REVIEW	De novo review of the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1), with objections required to be specific under Federal Rule of Civil Procedure 72(b)(2).
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Felix A. Rivera, Jr. v. Doerer

TOPICS

federal habeas corpus

post-conviction relief

subject matter jurisdiction

motions to dismiss

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PRACTICE AREAS

federal habeas corpus

post-conviction relief

criminal procedure

civil procedure

QUESTIONS PRESENTED

1. Whether Rivera's motion to dismiss the federal indictment under Rule 12(b)(1) could be considered in this § 2241 proceeding.
2. Whether the district court had jurisdiction in a § 2241 proceeding to consider Rivera's challenge to the legality of his confinement or federal sentence, which was properly brought under § 2255 in the sentencing court.
3. Whether the BOP correctly calculated Rivera's sentence and whether he was entitled to additional credit for time already credited toward his state sentence.
4. Whether Rivera's nonspecific objection to the magistrate judge's findings and recommendations warranted rejection of those findings.
5. Whether a certificate of appealability should issue to the extent the petition was treated as a disguised § 2255 motion.

HOLDINGS

1. The court denied Rivera's motion to dismiss the federal indictment because the indictment challenge was unrelated to his § 2241 claim concerning execution of his sentence and challenged determinations made by separate entities.
2. The court lacked jurisdiction to consider Rivera's construed § 2255 challenge to the legality of his confinement because such a challenge must be brought in the court of conviction, the United States District Court for the Middle District of Florida.
3. The BOP did not err in calculating Rivera's sentence, and Rivera was not entitled to separate or additional credit for time spent in state custody or temporarily in federal custody when that time had already been credited toward his state sentence.
4. The court adopted the findings and recommendations because Rivera's single-sentence objection did not specifically address the magistrate judge's factual or legal findings.
5. The court declined to issue a certificate of appealability to the extent the petition was a disguised § 2255 motion.

KEY QUOTATIONS

"Petitioner did not file a motion to amend the Petition under Federal Rule of Civil Procedure 15, and any request to amend would not be looked upon favorably by the Court..." (at 2)

"the BOP did not err in calculating Petitioner's sentence." (at 2)

"failure to file objections within the specified time may result in the waiver of rights on appeal." (at 3)

“Reasonable jurists would not find the Court’s determinations here debatable or wrong, or that issues presented are deserving of encouragement to proceed further.” (at 3)

FACTUAL BACKGROUND

Rivera, a federal prisoner, claimed that the Bureau of Prisons incorrectly calculated his sentence by failing to provide separate or additional credit for time spent in Florida state custody and while temporarily transferred to federal custody under a writ of habeas corpus ad prosequendum. The time had already been credited toward his state sentence. Rivera also attempted to challenge the federal indictment and the legality of his confinement, matters distinct from the execution-of-sentence claim presented in the § 2241 petition.

PROCEDURAL HISTORY

Rivera filed a § 2241 petition challenging the BOP's calculation of his sentence. He later moved to dismiss the underlying federal indictment under Federal Rule of Civil Procedure 12(b)(1), asserting lack of subject matter jurisdiction. The magistrate judge recommended denying that motion because the indictment challenge was unrelated to the § 2241 execution-of-sentence claim and any legality-of-confinement challenge belonged in the sentencing court under § 2255; the magistrate judge also concluded that the BOP had correctly calculated the sentence. Rivera filed only a general, nonspecific objection, and the district court adopted the findings and recommendations after de novo review.

DISPOSITION

dismissed

CASES CITED

- Franklin v. Johnson, 290 F.3d 1223, 1232 (9th Cir. 2002)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)
- Lockert v. Faulkner, 843 F.2d 1015, 1019 (7th Cir. 1988)
- Greenwood v. FAA, 28 F.3d 971, 977 (9th Cir. 1994)
- Miller-El v. Cockrell, 537 U.S. 322, 327, 335-36 (2003)
- Harrison v. Ollison, 519 F.3d 952, 958 (9th Cir. 2008)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

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