

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Thomas Austin Hill v. B. M. Trate

Hill v. Trate · No. 1:22-cv-01433-KJM-CDB (HC) · Decided August 4, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations in a federal prisoner’s 28 U.S.C. § 2241 habeas action. The court granted the respondent’s motion to dismiss based on the Bureau of Prisons’ calculation of applicable time credits and the petitioner’s failure to exhaust administrative remedies, dismissed the petition with prejudice, and closed the case.

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 4, 2025
DOCKET	1:22-cv-01433-KJM-CDB (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241. Respondent moved to dismiss, arguing that the Bureau of Prisons correctly calculated petitioner's applicable time credits and that petitioner failed to exhaust administrative remedies. After the magistrate judge recommended granting the motion and dismissing the petition, the district court conducted de novo review and adopted the recommendation.
STANDARD OF REVIEW	De novo review of the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1)(C) and Local Rule 304.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive but not binding precedent beyond the case.
PARTIES	Thomas Austin Hill v. B. M. Trate

TOPICS

- federal habeas corpus
- motions to dismiss
- exhaustion of remedies
- post-conviction relief
- civil procedure

PRACTICE AREAS

Federal habeas corpus

Prisoner litigation

Administrative exhaustion

QUESTIONS PRESENTED

1. Whether the magistrate judge's recommendation to grant respondent's motion to dismiss and dismiss the § 2241 petition should be adopted after de novo review.
2. Whether the petition should be dismissed based on the grounds identified in respondent's motion, including the Bureau of Prisons' calculation of time credits and petitioner's failure to exhaust administrative remedies.

HOLDINGS

1. After conducting de novo review, the district court found the magistrate judge's findings and recommendations supported by the record and proper analysis and adopted them.
2. The court granted respondent's motion to dismiss and dismissed the § 2241 petition with prejudice.
3. No certificate of appealability was required because the petition arose under § 2241 and the challenged detention did not arise from process issued by a state court.

KEY QUOTATIONS

“As the petition is brought under § 2241 and the detention complained of does not arise out of process issued by a state court, no certificate of appealability is required.” (at 2)

FACTUAL BACKGROUND

Thomas Austin Hill is a federal prisoner proceeding pro se and in forma pauperis. He filed a § 2241 petition concerning the Bureau of Prisons' calculation of applicable time credits. The respondent asserted that the credits were correctly calculated and that Hill had failed to exhaust administrative remedies.

PROCEDURAL HISTORY

Petitioner filed a § 2241 habeas petition. Respondent moved to dismiss on September 12, 2024; petitioner opposed after receiving extensions of time. On June 12, 2025, the magistrate judge issued findings and recommendations recommending dismissal. Petitioner objected on July 2, 2025. The district court conducted de novo review, adopted the findings and recommendations, granted the motion to dismiss, dismissed the petition with prejudice, and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Porter v. Adams, 244 F.3d 1006, 1006-07 (9th Cir. 2001)

- Forde v. U.S. Parole Comm'n, 114 F.3d 878, 879 (9th Cir. 1997)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 THOMAS AUSTIN HILL, Case No. 1:22-cv-01433-KJM-CDB (HC) 12
Petitioner, ORDER 13 v. 14 B. M. TRATE, 15 Respondent. 16 Petitioner Thomas Austin Hill
("Petitioner") is a federal prisoner proceeding pro se and in 17 18 forma pauperis with a petition
for writ of habeas corpus under 28 U.S.C. § 2241.

This matter was 19 referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)
(1)(B) and Local Rule 20 302(c)(17). 21 On September 12, 2024, Respondent B. M. Trate
("Respondent") filed a motion to dismiss 22 asserting that the Bureau of Prisons ("BOP")
correctly calculated all applicable time credits and 23 Petitioner failed to exhaust administrative
remedies.

See ECF No. 22. After three extensions of time 24 within which to file his response, Petitioner
filed an opposition on February 28, 2025. See ECF No. 25 32. On June 12, 2025, the assigned
magistrate judge issued findings and recommendations that the 26 motion to dismiss be granted
and the petition be dismissed. See ECF No. 33.

On July 2, 2025, 27 Petitioner filed objections to the findings and recommendations. See ECF No.
34. 28 // In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
court has conducted a de novo review of this case.

Having reviewed the file, the court finds the findings and recommendations to be supported by the
record and by the proper analysis. ' As the petition is brought under § 2241 and the detention
complained of does not arise out of ° process issued by a state court, no certificate of appealability
is required. See *Porter v. Adams*, ° 244 F.3d 1006, 1006-07 (9th Cir.

2001) (citing *Forde v. U.S. Parole Comm'n*, 114 F.3d 878, 879 (9th Cir. 1997)). ° Accordingly, the
Court orders: ° 1. The findings and recommendations issued on June 12, 2025 (Doc. 33) are
adopted. 2. Respondent's motion to dismiss (ECF No. 22) is granted. 3.

The petition for writ of habeas corpus (ECF No. 1) is dismissed with prejudice. 3 4. The Clerk of
Court is directed to close the case. 14 This order resolves ECF No. 33. 15 IT IS SO ORDERED.
16 DATED: August 1, 2025. 17 18 NITED STATES DISTRICT JUDGE 19 20 21 22 23 24 25 26
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