

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Teeple v. Warden

Teeple · No. 1:25-cv-00412-SAB-HC · Decided April 11, 2025

SUMMARY

The United States District Court for the Eastern District of California orders a federal prisoner proceeding under 28 U.S.C. § 2241 to show cause why his habeas petition should not be dismissed for failure to exhaust administrative remedies. The court finds that the petitioner's conclusory assertion that exhaustion would be futile does not adequately establish an exception to the prudential exhaustion requirement and warns that failure to respond may result in dismissal.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 11, 2025
DOCKET	1:25-cv-00412-SAB-HC
DISPOSITION	other
PROCEDURAL POSTURE	A federal prisoner proceeding pro se filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court conducted preliminary review and issued an order to show cause why the petition should not be dismissed for failure to exhaust administrative remedies.
STANDARD OF REVIEW	Under Rule 4, the court may conduct preliminary review of a habeas petition and dismiss it before requiring a response if it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief. The court applied the prudential exhaustion requirement for § 2241 petitions.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Nathan R. Teeple, Petitioner v. Warden, Respondent

TOPICS

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

PRACTICE AREAS

Federal habeas corpus

Administrative exhaustion

Federal prisoner litigation

QUESTIONS PRESENTED

1. Whether the petition should be dismissed or subjected to a show-cause order for failure to exhaust available administrative remedies under § 2241.
2. Whether Teeple adequately demonstrated that exhaustion should be waived as futile.

HOLDINGS

1. Exhaustion of available judicial and administrative remedies is ordinarily required as a prudential matter before a habeas petitioner seeks relief under § 2241, although the requirement is not jurisdictional and may be waived in recognized circumstances.
2. Teeple's conclusory assertion that exhaustion would be futile was insufficient to establish an exception to the exhaustion requirement because he did not identify an applicable BOP policy or otherwise explain why an administrative appeal would almost certainly be denied.

KEY QUOTATIONS

“As a prudential matter, courts require that habeas petitioners exhaust all available judicial and administrative remedies before seeking relief under § 2241.” (1)

“Accordingly, Petitioner is HEREBY ORDERED to SHOW CAUSE within THIRTY (30) days from the date of service of this order why the petition should not be dismissed for failure to exhaust administrative remedies.”
(1)

FACTUAL BACKGROUND

Teeple, a federal prisoner, challenged his continued confinement and sought immediate transfer to a prerelease facility. He claimed that the Bureau of Prisons refused to follow court decisions and therefore argued that pursuing administrative remedies would be futile. The petition did not allege that the refusal to transfer resulted from a BOP policy or Program Statement, or otherwise explain why an administrative appeal would almost certainly be denied.

PROCEDURAL HISTORY

Teeple filed a § 2241 petition challenging his continued confinement and seeking immediate transfer to a prerelease facility. He argued that exhaustion would be futile because the Bureau of Prisons allegedly refused to follow court decisions. The court found that the futility assertion was conclusory and ordered him to show cause within thirty days why the petition should not be dismissed; no final dismissal was entered in this order.

DISPOSITION

other

CASES CITED

- Ward v. Chavez, 678 F.3d 1042, 1045-46 (9th Cir. 2012)
- Hernandez v. Sessions, 872 F.3d 976, 988 (9th Cir. 2017)
- Laing v. Ashcroft, 370 F.3d 1000 (9th Cir. 2004)
- Fraley v. U.S. Bureau of Prisons, 1 F.3d 924, 925 (9th Cir. 1993)

OPINION

1 2 3 4 5 UNITED STATES DISTRICT COURT 6 EASTERN DISTRICT OF CALIFORNIA 7 8
NATHAN R. TEEPLE, Case No. 1:25-cv-00412-SAB-HC 9 Petitioner, ORDER TO SHOW
CAUSE WHY PETITION SHOULD NOT BE DISMISSED 10 v. FOR FAILURE TO EXHAUST
ADMINISTRATIVE REMEDIES 11 WARDEN, 12 Respondent. 13 14 Petitioner is a federal
prisoner proceeding pro se with a petition for writ of habeas corpus 15 pursuant to 28 U.S.C. §
2241.

16 Rule 4 of the Rules Governing Section 2254 Cases¹ requires preliminary review of a 17 habeas
petition and allows a district court to dismiss a petition before the respondent is ordered 18 to file a
response, if it “plainly appears from the petition and any attached exhibits that the 19 petitioner is
not entitled to relief in the district court.” Rule 4, Rules Governing Section 2254 20 Cases in the
United States District Courts, 28 U.S.C. foll. § 2254.

21 Petitioner challenges his continued confinement, arguing that he is entitled to immediate 22
transfer to a pre-release facility. (ECF No. 1 at 1.2) Petitioner argues that because the Federal 23
Bureau of Prisons (“BOP”) “refuses to follow numerous courts decision [sic] since 2022 it would
24 be a futile gesture to try and exhaust my administrative remedies.” (ECF No. 1 at 3–4.)

25 “As a prudential matter, courts require that habeas petitioners exhaust all available 26 judicial
and administrative remedies before seeking relief under § 2241.” Ward v. Chavez, 678 27 1 The
Court may apply any or all of these rules to habeas corpus petitions that are not brought under 28
U.S.C. § 2254. Rule 1(b), Rules Governing Section 2254 Cases in the United States District
Courts, 28 U.S.C. foll. § 2254.

1 | F.3d 1042, 1045 (9th Cir. 2012) (citations omitted). However, because it is not a jurisdictional 2
| prerequisite, “a court may waive the prudential exhaustion requirement if ‘administrative 3 |
remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile 4 |
gesture, irreparable injury will result, or the administrative proceedings would be void.’” 5 |
Hernandez v. Sessions, 872 F.3d 976, 988 (9th Cir.

2017) (quoting Laing v. Ashcroft, 370 F.3d 6 1000 (9th Cir. 2004)). Petitioner asserts in a
conclusory manner that exhausting 7 | administrative remedies would be futile. Petitioner does not
allege that the BOP’s refusal to 8 | transfer Petitioner to a pre-release facility is a result of a BOP

policy or Program Statement nor 9 | does Petitioner otherwise explain that the BOP “would almost certainly have denied” any 10 | administrative appeal.

See Ward, 678 F.3d at 1046 (“Because of the existence of official BOP 11 | policy... exhaustion would be futile[.]”; Fraley v. U.S. Bureau of Prisons, 1 F.3d 924, 925 (9th 12 | Cir. 1993) (“However, because the Regional Director would almost certainly have denied her 13 | request as well, citing the same official Bureau of Prisons policy, we agree with the district 14 | court’s conclusion that any further application for administrative remedies would be futile.”).

15 Accordingly, Petitioner is HEREBY ORDERED to SHOW CAUSE within THIRTY 16 | (30) days from the date of service of this order why the petition should not be dismissed for 17 | failure to exhaust administrative remedies. 18 Petitioner is forewarned that failure to follow this order may result in a recommendation 19 | for dismissal of the petition pursuant to Federal Rule of Civil Procedure 41(b) (a petitioner’s 20 | failure to prosecute or to comply with a court order may result in a dismissal of the action).

21 IT IS SO ORDERED. DAM Le 23 | Dated: _April 11, 2025 _ OO STANLEY A. BOONE 24
United States Magistrate Judge 25 26 27 28