

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

OPINION

(HC) Teeple v. Warden

PER CURIAM.

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UNITED STATES DISTRICT COURT

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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