

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Andre E. Hamilton v. Warden Greene

Hamilton · No. 1:25-CV-01434 · Decided November 26, 2025

SUMMARY

The United States District Court for the Middle District of Pennsylvania dismissed Andre E. Hamilton’s 28 U.S.C. § 2241 petition as moot. Hamilton had sought application of earned time credits under the First Step Act but was released from federal custody while the petition was pending. The court concluded that Hamilton failed to demonstrate continuing collateral consequences after being ordered to show cause why the petition should not be dismissed.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Jennifer P. Wilson
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	November 26, 2025
DOCKET	1:25-CV-01434
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 seeking application of earned time credits under the First Step Act. After the petitioner was released from federal custody, the court ordered him to show cause why the petition should not be dismissed as moot. He did not respond, and the court dismissed the petition as moot.
STANDARD OF REVIEW	The court considered mootness under Article III's case-or-controversy requirement and whether the petitioner continued to suffer secondary or collateral consequences that a favorable decision could redress.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Andre E. Hamilton v. Warden Greene

TOPICS

- federal habeas corpus
- post-conviction relief
- subject matter jurisdiction
- constitutional law

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Constitutional law

QUESTIONS PRESENTED

1. Whether Hamilton's § 2241 petition became moot after his release from federal custody.
2. Whether Hamilton demonstrated secondary or collateral consequences of his federal sentence sufficient to preserve an Article III case or controversy.

HOLDINGS

1. A habeas corpus petition generally becomes moot when the petitioner is released from custody because the petitioner has received the relief sought, unless a live controversy remains through cognizable secondary or collateral consequences.
2. After release from custody, collateral consequences are not presumed; the petitioner must show that a favorable decision would likely redress a continuing injury, and a mere possibility of collateral consequences is insufficient.

KEY QUOTATIONS

“Article III of the [United States] Constitution limits federal ‘judicial Power’ to the adjudication of ‘Cases’ or ‘Controversies.’” (at 2)

“Once a petitioner has been released, however, the Court does “not presume that a conviction carries collateral consequences.”” (at 3)

“It is not enough if ‘collateral consequences proffered by the petitioner’ amount to ‘a possibility rather than a certainty or even a probability.’” (at 3)

FACTUAL BACKGROUND

Hamilton was incarcerated at FCI Allenwood and sought application of earned time credits under the First Step Act through a § 2241 petition. The Bureau of Prisons inmate locator showed that he was released from federal custody on October 6, 2025. After the court gave him an opportunity to demonstrate continuing collateral consequences of his sentence, Hamilton did not respond.

PROCEDURAL HISTORY

Hamilton filed the § 2241 petition on July 29, 2025, and the court received it on August 4, 2025. The respondent filed a response, and Hamilton filed a traverse. After reviewing the Bureau of Prisons inmate locator, the court determined that Hamilton had been released from federal custody on October 6, 2025, issued an order to show cause, and forwarded that order to his updated address. Hamilton failed to demonstrate continuing collateral consequences, so the court dismissed the petition as moot.

DISPOSITION

dismissed

CASES CITED

- Abreu v. Superintendent Smithfield SCI, 971 F.3d 403, 406 (3d Cir. 2020)
- Toll Bros., Inc. v. Township of Readington, 555 F.3d 131, 137 (3d Cir. 2009)
- DeFoy v. McCullough, 393 F.3d 439, 441-42 (3d Cir. 2005)
- Lewis v. Continental Bank Corp., 494 U.S. 472, 477 (1990)
- Burkey v. Marberry, 556 F.3d 142, 148 (3d Cir. 2009)
- United States v. Jackson, 523 F.3d 234, 242 (3d Cir. 2008)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA ANDRE E. HAMILTON,; Civil No. 1:25-CV-01434 Petitioner,; v.: WARDEN GREENE,; Respondent.: Judge Jennifer P. Wilson MEMORANDUM Pending before the Court is Andre E. Hamilton's ("Petitioner") petition for a writ of habeas corpus filed pursuant to the provisions of 28 U.S.C. § 2241. (Doc.

1.) For the reasons set forth below, the petition will be dismissed as moot. BACKGROUND On July 29, 2025, while incarcerated at the Federal Correctional Institution Allenwood ("FCI-Allenwood") in White Deer, Pennsylvania, Petitioner commenced the above-captioned action by filing a Section 2241 petition seeking the application of earned time credits under the First Step Act.

(Doc. 1.) The court received the petition on August 4, 2025. (Id.) On August 12, 2025, the court received payment of the filing fee. The following day, the court entered an order serving a copy of the petition on Warden Greene ("Respondent"). (Doc. 5.) Respondent filed a response to the petition on August 28, 2025. (Doc. 7.) Petitioner filed a traverse on September 11, 2025.

(Doc. 8.) Following the receipt of the traverse, the court reviewed the BOP inmate locator, which revealed that Petitioner was released from federal custody on October 6, 2025. The BOP inmate locator is available at the following website: <https://www.bop.gov/inmateloc/>. This website reflects that Petitioner, having a "Register Number" of "41031-007," was "not in BOP custody as of: 10/06/2025." See id. Thus, on October 15, 2025, the court issued an order directing Petitioner to show cause why his petition should not be dismissed as moot.

(Doc. 9.) Following the filing of the order directing Petitioner to show cause, Petitioner updated the court with his new address at Clinton County Correctional Facility. (Doc. 10.) The court forwarded the order to show cause to the updated address. (Doc. 11.) DISCUSSION "Article III of

the [United States] Constitution limits federal ‘judicial Power’ to the adjudication of ‘Cases’ or ‘Controversies.’” *Abreu v. Superintendent Smithfield SCI*, 971 F.3d 403, 406 (3d Cir.

2020) (quoting *Toll Bros., Inc. v. Twp. of Readington*, 555 F.3d 131, 137 (3d Cir. 2009) (quoting U.S. Const. art. III, § 2)). In order “[f]or a case or controversy to exist, a petitioner, throughout each stage of the litigation, ‘must have suffered, or be threatened with, an actual injury traceable to the [respondent] and likely to be redressed by a favorable judicial decision.’” See *id.* (quoting *DeFoy v. McCullough*, 393 F.3d 439, 442 (3d Cir.

2005)) (quoting *Lewis v. Cont'l Bank Corp.*, 494 U.S. 472, 477 (1990)). Consequently, “a habeas corpus petition generally becomes moot when a prisoner is released from custody because the petitioner has received the relief sought.” See *id.* (citing *DeFoy*, 393 F.3d at 441). Nevertheless, a petitioner who has been released from custody “may obtain judicial review of a [habeas] petition by showing that he continues to suffer from secondary or collateral consequences of his conviction,” see *id.* (citations omitted), or sentence, see *Burkey v. Marberry*, 556 F.3d 142, 148 (3d Cir.

2009). Generally speaking, “collateral consequences will be presumed when the [petitioner] is attacking his conviction while still serving the sentence imposed for that conviction [and] where the [petitioner] is attacking that portion of his sentence that is still being served.” See *id.* (citing *United States v. Jackson*, 523 F.3d 234, 242 (3d Cir. 2008)). Once a petitioner has been released, however, the Court does “not presume that a conviction carries collateral consequences.” See *Abreu*, 971 F.3d at 406 (citing *Burkey*, 556 F.3d at 148).

Instead, the Court “must ‘address[] the issue of collateral consequences in terms of the likelihood that a favorable decision would redress the injury or wrong.’” See *id.* (quoting *Burkey*, 556 F.3d at 148). For that reason, “[i]t is not enough if ‘collateral consequences proffered by the petitioner’ amount to ‘a possibility rather than a certainty or even a probability.’” See *id.* (quoting *Burkey*, 556 F.3d at 148).

Consistent with these principles, the court finds that, while the instant petition is generally moot, as Petitioner was no longer in federal custody as of October 6, 2025, Petitioner may still obtain judicial review of his federal sentence if he can show that he continues to suffer from secondary or collateral consequences of that sentence. See *id.* Here, the period of time granted for Petitioner to demonstrate that he continues to suffer from secondary or collateral consequences of his federal sentence has passed, and Petitioner has failed to respond.

As a result, his petition will be dismissed as moot. CONCLUSION Accordingly, for the reasons set forth above, Petitioner’s Section 2241 petition will be dismissed as moot. An appropriate order follows. s/Jennifer P. Wilson JENNIFER P. WILSON United States District Judge Middle District of Pennsylvania Dated: November 26, 2025

