

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA, BECKLEY DIVISION

Shawn Lanier Lowman, Jr. v. Warden Holzapfel, FCI Beckley

Case No. 5:25-cv-00307 · No. 5:25-cv-00307 · Decided January 27, 2026

SUMMARY

Proposed Findings and Recommendations in a federal habeas action under 28 U.S.C. § 2241 challenging a prison disciplinary conviction and the loss of 41 days of good conduct time. The magistrate judge recommends denying the petition and a related motion, finding that the petitioner failed to exhaust available Bureau of Prisons administrative remedies and, alternatively, that he received the process required by Wolff v. McDonnell and that the disciplinary decision was supported by some evidence under Superintendent v. Hill.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia, Beckley Division
WRITING FOR THE COURT	Josey K. Reeder, United States Magistrate Judge; Frank W. Volk, United States Chief District Judge
JURISDICTION	United States District Court for the Southern District of West Virginia, Beckley Division
DECIDED	January 27, 2026
DOCKET	5:25-cv-00307
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 from a federal prison disciplinary conviction that resulted in the loss of forty-one days of good conduct time. The magistrate judge issued proposed findings and recommendations advising denial of the petition, denial of a related motion, and dismissal with prejudice.
STANDARD OF REVIEW	Under the highly deferential 'some evidence' standard, the court asks only whether the disciplinary decision is supported by some evidence and is not arbitrary or capricious; it may not reweigh evidence, assess witness credibility, or substitute its judgment for that of the Discipline Hearing Officer. The court also generally requires exhaustion of available administrative remedies for § 2241 petitions, subject to

	limited exceptions where remedies are unavailable, futile, inadequate, or would cause irreparable harm.
PRECEDENTIAL VALUE	nonprecedential proposed findings and recommendations
PARTIES	Shawn Lanier Lowman, Jr. v. Warden Holzapfel, FCI Beckley

TOPICS

federal habeas corpus post-conviction relief exhaustion of remedies due process procedural due process

PRACTICE AREAS

federal habeas corpus prison disciplinary proceedings constitutional law administrative exhaustion
due process

QUESTIONS PRESENTED

1. Whether Petitioner exhausted available Bureau of Prisons administrative remedies or demonstrated circumstances excusing exhaustion.
2. Whether Petitioner received the procedural protections required by the Due Process Clause under *Wolff v. McDonnell*.
3. Whether the Discipline Hearing Officer's finding that Petitioner possessed alcohol was supported by some evidence under *Superintendent, Massachusetts Correctional Institution v. Hill*.
4. Whether the court could reconsider the Discipline Hearing Officer's credibility determinations or consider a post-hearing inmate affidavit in reviewing the disciplinary conviction.

HOLDINGS

1. Petitioner failed to exhaust available Bureau of Prisons administrative remedies and did not demonstrate that lockdowns or restricted access rendered those remedies unavailable or otherwise justified excusing exhaustion.
2. Petitioner received all procedural protections required by *Wolff v. McDonnell*, including advance written notice, an opportunity to call a witness and present evidence, a hearing before a neutral decisionmaker, and a written explanation of the decision.
3. The Discipline Hearing Officer's decision was supported by some evidence and was not arbitrary or capricious.
4. The later-submitted affidavit from Petitioner's cellmate did not provide a basis to disturb the disciplinary finding because the court's review under *Hill* does not permit reweighing evidence or considering materials outside the record before the DHO.

KEY QUOTATIONS

“Generalized allegations of lockdowns and restricted movement, without specific evidence that administrative remedies were rendered unavailable, are insufficient to excuse exhaustion.” (Discussion, Exhaustion of

Administrative Remedies)

“The Court does not determine whether it would have reached the same conclusion as the DHO or whether the record could support a contrary result, but only whether there is any evidence in the record that could support the disciplinary decision.” (Discussion, Sufficiency of the Evidence)

“This civil action be DISMISSED, with prejudice;” (Conclusion and Recommendation)

FACTUAL BACKGROUND

Bureau of Prisons staff discovered suspected intoxicants in Petitioner's assigned cell on November 17, 2024, and the substances tested positive for alcohol. After a disciplinary hearing, the Discipline Hearing Officer credited the incident report, staff memoranda, photographs, and hearing testimony, applied constructive possession, and sanctioned Petitioner with the loss of forty-one days of good conduct time. Petitioner denied knowledge of the intoxicants, asserted that he was at work when they were found, and relied on testimony and a later affidavit from his cellmate. He also claimed that lockdowns and restricted access to forms prevented him from completing the BOP administrative appeal process.

PROCEDURAL HISTORY

Bureau of Prisons staff charged Petitioner with possession of drugs or alcohol, and after a Unit Disciplinary Committee referral, a Discipline Hearing Officer found him guilty based on constructive possession and imposed sanctions including loss of forty-one days of good conduct time. Petitioner filed a § 2241 petition challenging the evidentiary basis for the conviction and alleging due process violations, while Respondent argued that Petitioner had not exhausted available administrative remedies and that the disciplinary decision satisfied due process. The magistrate judge recommended denying the petition and related motion and dismissing the action with prejudice, subject to review by the district judge under 28 U.S.C. § 636(b)(1)(B).

DISPOSITION

dismissed

CASES CITED

- Wolff v. McDonnell, 418 U.S. 539 (1974)
- Superintendent, Massachusetts Correctional Institution v. Hill, 472 U.S. 445 (1985)
- Preiser v. Rodriguez, 411 U.S. 475, 487 (1973)
- Braden v. 30th Judicial Circuit Court, 410 U.S. 484, 490-91 (1973)
- McClung v. Shearin, No. 03-6952, 2004 WL 225093, at *1 (4th Cir. Feb. 6, 2004)
- Carmona v. United States Bureau of Prisons, 243 F.3d 629, 634 (2d Cir. 2001)
- Woodford v. Ngo, 548 U.S. 81, 93-94 (2006)
- Wright v. Warden, Civil Action RDB-10-671, 2010 WL 1258181, at *1 (D. Md. Mar. 24, 2010)
- Timms v. Johns, 627 F.3d 525, 530-31 (4th Cir. 2010)
- United States v. Wilson, 503 U.S. 329, 335 (1992)

- United States v. Roberson, 746 F. App'x 883, 885 (11th Cir. 2018)
- United States v. Usma, No. 2:19-CR-133-SPC-MRM, 2022 WL 267518, at *1 (M.D. Fla. Jan. 28, 2022)
- Ray v. Masters, No. 1:15-cv-06712, 2017 WL 975948, at *3-5 (S.D.W. Va. Feb. 13, 2017)
- McClung v. Hollingsworth, 90 F. App'x 444, 445 (4th Cir. 2004)
- Thomas v. Phillips, No. 5:09-cv-01519, 2012 WL 2064531, at *3 (S.D.W. Va. 2012)
- Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989)
- Thomas v. Arn, 474 U.S. 140 (1985)
- Wright v. Collins, 766 F.2d 841 (4th Cir. 1985)
- United States v. Schronce, 727 F.2d 91 (4th Cir. 1984)

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