

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
OKLAHOMA

Danyale McCollough v. Michael Miller

McCollough · No. Case No. 25-CV-238-JFH-JAR · Decided January 7, 2026

SUMMARY

The United States District Court for the Eastern District of Oklahoma dismissed Danyale McCollough’s 28 U.S.C. § 2241 petition challenging the calculation and revocation of earned credits by the Oklahoma Department of Corrections. The court held that McCollough failed to exhaust the agency’s grievance-appeal process and did not establish that administrative remedies were unavailable or futile. The court dismissed the petition without prejudice, denied the request to convert it to a § 2254 petition, and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Eastern District of Oklahoma
WRITING FOR THE COURT	John F. Heil, III
JURISDICTION	United States District Court for the Eastern District of Oklahoma
DECIDED	January 7, 2026
DOCKET	Case No. 25-CV-238-JFH-JAR
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner petitioned for habeas corpus relief under 28 U.S.C. § 2241, challenging the calculation of his sentence and the loss of earned credits. The respondent moved to dismiss for failure to exhaust administrative remedies. The court granted the motion, dismissed the petition without prejudice, denied the request to convert the petition to one under § 2254, and denied a certificate of appealability.
STANDARD OF REVIEW	The court evaluated the motion to dismiss based on the exhaustion requirement applicable to § 2241 habeas petitions and whether the administrative remedy was unavailable because prison officials prevented, thwarted, or hindered its use.
PRECEDENTIAL VALUE	Unpublished federal district court opinion; precedential status unknown
PARTIES	Danyale McCollough v. Michael Miller

TOPICS

federal habeas corpus exhaustion of remedies post-conviction relief motions to dismiss due process

PRACTICE AREAS

federal habeas corpus post-conviction relief administrative exhaustion prisoner litigation civil procedure

QUESTIONS PRESENTED

1. Whether McCollough's § 2241 petition had to be dismissed for failure to exhaust ODOC's administrative grievance process.
2. Whether McCollough established that the administrative remedy was unavailable or that exhaustion was futile because ODOC personnel told him the matter had been addressed at the highest level.
3. Whether McCollough could convert his § 2241 petition into a § 2254 petition through a request included in his response to the motion to dismiss.
4. Whether a certificate of appealability should issue after dismissal on procedural grounds.

HOLDINGS

1. Exhaustion of available administrative remedies is a prerequisite to § 2241 habeas relief, and McCollough failed to exhaust because he did not submit the required appeal to ODOC's Administrative Review Authority.
2. McCollough did not establish that the administrative remedy was unavailable or that prison officials prevented, thwarted, or hindered his efforts to complete the grievance process; a misunderstanding of the procedure did not excuse exhaustion.
3. The court denied McCollough's request to convert the petition because the request was improperly included in his response to the motion to dismiss and because he had not shown exhaustion of state remedies for either his present claim or a due process claim.
4. No certificate of appealability shall issue because no reasonable jurist would debate the dismissal of the petition on procedural grounds.

KEY QUOTATIONS

"The exhaustion of available administrative remedies is a prerequisite for § 2241 habeas relief...."
(Discussion, III. Analysis)

"Where prison officials prevent, thwart, or hinder a prisoner's efforts to avail himself of an administrative remedy, they render that remedy 'unavailable' and a court will excuse the prisoner's failure to exhaust."
(Discussion, III. Analysis)

"The Petition [Dkt. No. 1] is DISMISSED without prejudice for failure to exhaust" (Conclusion)

FACTUAL BACKGROUND

McCollough, a state prisoner incarcerated at Allen Gamble Correctional Center, alleged that 1,173 days of earned credit had been taken from him and that ODOC was incorrectly calculating his sentence. ODOC records reflected that he had not submitted an appeal concerning his sentence or earned credits to the Administrative Review Authority. McCollough relied on an inmate case note stating that Sentence Administration had reviewed his time and that, from ODOC's perspective, that was as high as he could go.

PROCEDURAL HISTORY

McCollough filed a § 2241 petition alleging that the Oklahoma Department of Corrections had improperly taken 1,173 days of earned credit and miscalculated his sentence. The respondent moved to dismiss, asserting that McCollough had not completed the final appeal to the Administrative Review Authority. McCollough argued that ODOC had effectively told him that Sentence Administration was the highest level available and that exhaustion was therefore futile. The court rejected that argument, denied conversion to a § 2254 petition, and dismissed without prejudice for failure to exhaust.

DISPOSITION

dismissed

CASES CITED

- Garza v. Davis, 596 F.3d 1198, 1203 (10th Cir. 2010)
- Little v. Jones, 607 F.3d 1245, 1250 (10th Cir. 2010)
- Jones v. Aldridge, Case No. 20-cv-058-JFH-KEW, 2021 WL 728116, at *2-3 (E.D. Okla. Feb. 24, 2021)
- Montez v. McKinna, 208 F.3d 862, 866 (10th Cir. 2000)
- Dever v. Kansas State Penitentiary, 36 F.3d 1531, 1534 (10th Cir. 1994)
- Williams v. Trammell, 782 F.3d 1184, 1210 (10th Cir. 2015)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

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