

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Almuminum Marrow v. Warden FCI Schuylkill

No. 4:25-CV-01569 (M.D. Pa. Jan. 30, 2026) · No. No. 4:25-CV-01569 · Decided January 30, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania denied without prejudice Almuminum Marrow’s 28 U.S.C. § 2241 petition challenging the Bureau of Prisons’ calculation of prior custody credit. The court held that the requested presentence detention credit had already been applied to a state sentence and therefore could not also be credited against the federal sentence under 18 U.S.C. § 3585(b). The court explained that Marrow may instead seek nunc pro tunc designation of the state institution for concurrent service of his federal sentence under BOP Program Statement 5160.05 and Barden v. Keohane.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Matthew W. Brann
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	January 30, 2026
DOCKET	No. 4:25-CV-01569
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Marrow, proceeding pro se and confined at FCI Schuylkill, filed a petition under 28 U.S.C. § 2241 challenging the Bureau of Prisons' calculation of prior custody credit toward his federal sentence. The District of New Jersey transferred the matter to the Middle District of Pennsylvania after construing his § 2255 motion as a § 2241 petition. The court denied the petition without prejudice.
PRECEDENTIAL VALUE	unpublished
PARTIES	Almuminum Marrow v. Warden FCI Schuylkill

TOPICS

- federal habeas corpus
- sentence modification
- sentencing
- post-conviction relief
- federalism

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether temporary transfers to federal custody under writs of habeas corpus ad prosequendum displaced New Jersey's primary custodial jurisdiction.
2. Whether 18 U.S.C. § 3585(b) entitled Marrow to credit toward his federal sentence for state pretrial detention that had already been credited against his state sentence.
3. Whether Marrow could obtain alternative relief through a BOP nunc pro tunc designation of the state institution for concurrent service of his federal sentence.

HOLDINGS

1. A state that first acquires custody of a defendant retains primary custodial jurisdiction when the defendant is temporarily transferred to federal authorities under writs of habeas corpus ad prosequendum.
2. Marrow was not entitled to federal prior-custody credit for the August 3, 2021, to June 20, 2024, detention period because that time had already been credited against his state sentence; the remaining eligible days had already been credited to his federal sentence.
3. Although Marrow could not obtain additional prior-custody credit under § 3585(b), he may seek BOP nunc pro tunc designation of the state institution for concurrent service of his federal sentence.

KEY QUOTATIONS

“The sovereign that first acquires custody of a defendant is entitled to custody until any sentence imposed is served.” (Discussion)

“Under the plain language of Section 3585(b), Marrow is not entitled to prior custody credit for his time in state pretrial detention from August 3, 2021, to June 20, 2024, because that time has been credited to his state sentence in case number W-2020-00178-0722.” (Discussion)

FACTUAL BACKGROUND

Marrow was held in New Jersey state pretrial detention from August 3, 2021, through June 20, 2024, while federal authorities temporarily borrowed him on writs of habeas corpus ad prosequendum for federal proceedings. He pleaded guilty to violating 18 U.S.C. § 922(g)(1) and received a 45-month federal sentence beginning June 24, 2024; the BOP credited five days of prior custody. New Jersey later sentenced him to time served for an earlier offense, credited the principal period of detention, and ordered the state sentence to run concurrently with the federal sentence. Marrow sought credit for approximately 38 months of detention against his federal sentence.

PROCEDURAL HISTORY

Marrow pleaded guilty in the District of New Jersey to possessing a firearm and ammunition as a convicted felon and received a 45-month federal sentence. The BOP credited five days of prior custody, while New Jersey

credited the principal period of pretrial detention to a state time-served sentence ordered concurrent with the federal sentence. After Marrow challenged the sentence calculation under § 2255 in the District of New Jersey, that court construed the filing as a § 2241 petition and transferred it to the district of confinement. The government responded, Marrow filed no traverse, and the court denied the petition without prejudice to his seeking nunc pro tunc designation through the BOP.

DISPOSITION

writ_denied

CASES CITED

- United States v. Marrow, No. 2:22-CR-00401, Doc. 3 (D.N.J. June 9, 2022)
- Davis v. Sniezek, 403 F. App'x 738, 740 (3d Cir. 2010)
- Ruggiano v. Reish, 307 F.3d 121, 125 n.1 (3d Cir. 2002)
- Allen v. Nash, 236 F. App'x 779, 783 (3d Cir. 2007)
- Ponzi v. Fessenden, 258 U.S. 254, 260 (1922)
- Rios v. Wiley, 201 F.3d 257, 273, 275 (3d Cir. 2000)
- United States v. Saintville, 218 F.3d 246, 249 (3d Cir. 2000)
- Chambers v. Holland, 920 F. Supp. 618, 622 (M.D. Pa. 1996)
- United States v. Wilson, 503 U.S. 329, 337 (1992)
- Barden v. Keohane, 921 F.2d 476, 478 n.4, 483-84 (3d Cir. 1990)
- Trice v. Grondolsky, Civ. No. 08-2968 (NLH), 2009 WL 3152116, at *5 (D.N.J. Sept. 25, 2009)
- Del Guzzi v. United States, 980 F.2d 1269, 1272-73 (9th Cir. 1992)