

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA, ERIE DIVISION

Omar S. Folk v. Warden McKean A. Newman

Folk · No. 1:24-CV-213-RAL · Decided January 13, 2026

SUMMARY

The court denied Omar S. Folk’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court held that challenges to prison educational programming, security classification, and prison conditions do not concern the fact or duration of confinement and therefore are not cognizable under § 2241. The court also concluded that Loper Bright Enterprises v. Raimondo did not alter that result and noted that Folk’s claims concerning FCI McKean were moot after his transfer.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania, Erie Division
WRITING FOR THE COURT	Richard A. Lanzillo
JURISDICTION	United States District Court for the Western District of Pennsylvania, Erie Division
DECIDED	January 13, 2026
DOCKET	1:24-CV-213-RAL
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241, challenging the denial of access to prison educational programming and seeking transfer to a lower-security institution. The court denied the petition.
STANDARD OF REVIEW	The court considered whether the petition fell within the court's habeas jurisdiction under 28 U.S.C. § 2241. It also considered mootness resulting from Petitioner's transfer to another institution.
PRECEDENTIAL VALUE	unpublished and nonprecedential
PARTIES	Omar S. Folk v. Warden McKean A. Newman

TOPICS

- federal habeas corpus
- post-conviction relief
- administrative law
- judicial review of agency action
- statutory interpretation

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Administrative law

Prisoner litigation

QUESTIONS PRESENTED

1. Whether a federal prisoner's challenge to denial of educational programming and a resulting security classification, which does not affect the fact or duration of confinement, is cognizable under 28 U.S.C. § 2241.
2. Whether *Loper Bright Enterprises v. Raimondo* makes the petition cognizable or otherwise changes the analysis of the Bureau of Prisons' implementation of the sentence.
3. Whether Petitioner's transfer from FCI McKean rendered his claims concerning lockdowns at that institution moot.

HOLDINGS

1. A federal prisoner's challenge to denial of prison educational programming and to a resulting security classification is not cognizable under § 2241 when it does not challenge the fact or duration of confinement.
2. *Loper Bright Enterprises v. Raimondo* does not make Folk's § 2241 claims cognizable because *Loper Bright* concerns judicial deference to agency interpretations of statutes challenged under the Administrative Procedure Act, not the habeas claims presented here.
3. Petitioner's transfer from FCI McKean to FCI Hazelton rendered moot his claims concerning lockdowns and conditions at FCI McKean.

KEY QUOTATIONS

“The ‘core’ habeas corpus action is a prisoner challenging the authority of the entity detaining him to do so, usually on the ground that his predicate sentence or conviction is improper or invalid.” (Analysis)

“Courts have widely held that challenges to prison security classifications are not cognizable under § 2241 because such challenges do not implicate the fact or duration of imprisonment.” (Analysis)

“Courts must exercise their independent judgment in deciding whether an agency has acted within its statutory authority.” (Analysis)

FACTUAL BACKGROUND

Folk was a federal prisoner initially confined at FCI McKean and later transferred to FCI Hazelton. He alleged that early lockdowns at FCI McKean prevented him from participating in FSA and ACE educational courses, which he claimed impaired his ability to obtain a lower security classification. He sought an order requiring the warden to reopen access to the programming and also made general allegations that FCI McKean was overcrowded and unsanitary.

PROCEDURAL HISTORY

Folk filed a § 2241 petition while confined at FCI McKean in the Western District of Pennsylvania. While the action was pending, he was transferred to FCI Hazelton. The matter was fully briefed, and the court denied the petition, concluding that the claims were outside the core of habeas jurisdiction and, alternatively, that the claims concerning FCI McKean were moot after the transfer.

DISPOSITION

writ_denied

CASES CITED

- McGee v. Martinez, 627 F.3d 933, 935 (3d Cir.)
- Alward v. Warden, LSCI-Allenwood, 2024 WL 4112662, at *2 (M.D. Pa. Sept. 6, 2024)
- Preiser v. Rodriguez, 411 U.S. 475, 494 (1973)
- Okereke v. United States, 307 F.3d 117, 120 (3d Cir.)
- Cardona v. Bledsoe, 681 F.3d 533, 535-36 (3d Cir. 2012)
- Briley v. Warden Fort Dix FCI, 703 Fed. Appx. 69, 71 (3d Cir.)
- Cohen v. Lappin, 402 Fed. Appx. 674, 676 (3d Cir.)
- Lee v. Williamson, 297 Fed. Appx. 147, 148 (3d Cir.)
- Podhorn v. Grondolsky, 350 Fed. Appx. 618, 620 (3d Cir.)
- Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 412 (2024)
- Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc., 467 U.S. 837 (1984)
- Folk v. Sage, 2024 WL 5379816, at *1 n. 1 (M.D. Pa. Aug. 7, 2024)
- Folk v. Warden McKean FCI, 2025 WL 384108 (3d Cir. Feb. 4, 2025)
- Folk v. Park, 2025 WL 3764053, at *2 (3d Cir. Dec. 30, 2025)
- Eiland v. Warden, Fort Dix FCI, 634 Fed. Appx. 87, 89 (3d Cir.)
- Griffin v. Beard, 401 Fed. Appx. 715, 716 (3d Cir.)
- Williams v. McKean, 2019 WL 1118057, at *5 n. 6 (W.D. Pa. Mar. 11, 2019)
- United States v. Cepero, 224 F.3d 256, 264-65 (3d Cir. 2000)
- Gonzalez v. Thaler, 565 U.S. 134 (2012)

OPINION

FOLK
PER CURIAM.
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION
)
OMAR S. FOLK, 1:24-CV-213-RAL

Petitioner Chief United States Magistrate Judge

“ MEMORANDUM OPINION ON

WARDEN MCKEAN A. NEWMAN, ORPUS FOR WRIT OF HABEAS

Respondent ECF No. 9) I. Introduction Pending before the Court is Petitioner Omar S. Folk’s the petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2241. ECF No. 9. For the reasons set forth below, Folk’s petition will be denied. II. Background Petitioner is an inmate in the custody of the Federal Bureau of Prisons (BOP) and currently incarcerated at FCI Hazelton. Assuming he receives all Good Conduct Time (GCT) available to him under 18 U.S. C. § 3624(b), his projected release date is May 11, 2031. ECF No. 18-1 4 1. In his § 2241 petition,! Petitioner complains that “[he] and others are being denied FSA and Ace Courses in FC] McKean Medium due to early lockdowns at 5:45 pm.” ECF No. 9 at p.

2. Petitioner avers that his inability to participate in prison educational courses prevents him from ' Under 28 U.S.C. § 2241, district courts have authority to grant habeas corpus “within their respective jurisdictions.” At the time that he filed his Petition, Petitioner was confined at FCI McKean, which is located within the Western District of Pennsylvania. obtaining a lower security classification. /d. at pp. 6-7. He maintains that this violates the recent United States Supreme Court decision in *Loper Bright Enterprises v. Raimando*, 603 U.S. 369 (2024). This matter is fully briefed and ripe for disposition.

UI. Analysis For federal prisoners, “[t]he ‘core’ habeas corpus action is a prisoner challenging the authority of the entity detaining him to do so, usually on the ground that his predicate sentence or conviction is improper or invalid.” *McGee v. Martinez*, 627 F.3d 933, 935 (3d Cir. 2010). See also *Alward vy, Warden, LSCI-Allenwood*, 2024 WL 4112662, at *2 (M.D. Pa. Sept. 6, 2024) (“A habeas petition may be brought by a prisoner who seeks to challenge either the fact or duration of his confinement.”) (citing *Preiser v. Rodriguez*, 411 U.S. 475, 494 (1973)). While motions pursuant to 28 U.S.C. § 2255 are the presumptive means by which federal prisoners may challenge the validity of their conviction or sentence on collateral review, see *Okereke v. United States*, 307 F.3d 117, 120 (3d Cir. 2002), § 2241 confers habeas jurisdiction “to hear the petition of a federal prisoner who is challenging not the validity but the execution of his sentence.” *Cardona*, 681 F.3d at 535 (internal quotations and citations omitted) (emphasis added). Although “the precise meaning of ‘execution of the sentence’ is hazy,” *Cardona v. Bledsoe*, 681 F.3d 533, 536 (3d Cir. 2012) (citing source omitted), courts have widely held that challenges to prison security classifications “are not cognizable under § 2241 because such challenges do not implicate the fact or duration of imprisonment.” *Alward*, 2024 WL 4112662, at *2 (citing *Briley v. Warden Fort Dix FCI*, 703 Fed. Appx. 69, 71 (3d Cir. 2017) (claims asserting improper security factors and resulting higher security classification levels “are not cognizable in a § 2241 petition”)). See also *Cohen v. Lappin*, 402 Fed. Appx. 674, 676 (3d Cir. 2010) (holding that challenges to security designation or custody classification do not challenge the fact or duration of confinement as required for § 2241 jurisdiction). The same is true of allegations concerning the denial of prison programming that

does not affect the duration of a prisoner's incarceration. *Lee v. Williamson*, 297 Fed. Appx. 147, 148 (3d Cir. 2008) (claims concerning "denial of placement in the drug treatment program" are not cognizable in a § 2241 petition). See also *Podhorn v. Grondowsky*, 350 Fed. Appx. 618, 620 (3d Cir. 2009) (noting that prisoners do not have a constitutional right to be assigned to a particular rehabilitative program). In the instant habeas petition, Petitioner requests an order directing the Warden of FCI McKean to reopen access to educational programming so he can be transferred to a lower security institution.* As outlined above, these claims do not impact the fact or duration of his confinement and do not lie at the core of habeas. See *Briley*, 703 Fed. Appx. at 71; *Cohen*, 402 Fed. Appx. at 676. Consequently, this Court lacks jurisdiction over Petitioner's claims. In an attempt to salvage his petition, Petitioner argues that the United States Supreme Court's recent decision in *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), somehow compels a different result. In *Loper Bright*, the Supreme Court overruled the deference principles established in *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984), and held that "[c]ourts must exercise their independent judgment in deciding whether an agency has acted within its statutory authority." *Loper Bright*, 603 U.S. at 412. As several courts have previously informed Petitioner, however, "[t]he Supreme Court's decision in *Loper Bright* concerns court deference to agency interpretations of statutes when those interpretations are challenged under the APA" — a circumstance not presented in a § 2241 action. See *Folk v. Sage*, 2024 WL 5379816, at *1 n. 1 (M.D. Pa. Aug. 7, 2024), *aff'd sub nom. Folk v. Warden McKean* > Petitioner also appears to generally allege that FCI McKean is overcrowded and unsanitary. See ECF No. 9 at p. 9. Claims concerning prison living conditions are not cognizable in a § 2241 petition. See, e.g., *Eiland v. Warden, Fort Dix FCI*, 634 Fed. Appx. 87, 89 (3d Cir. 2015) (allegations that prison was unclean and overcrowded "do not sound in habeas corpus"). *FCI*, 2025 WL 384108 (3d Cir. Feb. 4, 2025). And, in any event, the statute granting the BOP the authority to put into effect and carry out Petitioner's sentence is not ambiguous. *Folk v. Park*, 2025 WL 3764053, at *2 (3d Cir. Dec. 30, 2025) ("[T]he BOP did not rely on an ambiguous statute in 'putting into effect' and 'carrying out' the fine portion of [Folk's] sentence."). Therefore, "the change in law described in *Loper Bright* is inapplicable." *Jd.* IV. Conclusion For each of the foregoing reasons, Petitioner's petition for a writ of habeas corpus is denied.* An appropriate order follows. DATED this 13th day of January, 2026. BY - COURT:

RICHARD A. LANZILLO

Chief United States Magistrate Judge > As yet another ground for dismissal, the Court notes that Petitioner was transferred to FCI Hazelton several months after filing this action. Because he is no longer at FCI McKean, his allegations concerning the lockdown at that institution have been rendered moot. See, e.g., *Griffin v. Beard*, 401 Fed. Appx. 715, 716 (3d Cir. 2010) (noting that an inmate's transfer to another prison generally moots complaints about conditions at the prior institution). 4 Because "{f}ederal prisoner appeals from the denial of a habeas corpus proceeding are not governed by the certificate of appealability requirement," the Court need not make a

certificate of appealability determination in this matter. Williams v. McKean, 2019 WL 1118057, at *5 n. 6 (W.D. Pa. Mar. 11, 2019) (citing United States v. Cepero, 224 F.3d 256, 264-65 (3d Cir. 2000), abrogated on other grounds by Gonzalez v. Thaler, 565 U.S. 134 (2012)); 28 U.S.C. § 2253(c)(1)(B).

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