

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Blanc v. Taylor

Blanc · No. 1:24-cv-01369-KES-SAB (HC) · Decided June 20, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations in a federal prisoner’s 28 U.S.C. § 2241 habeas case. The court granted the respondent’s motion to dismiss, dismissed the petition, and directed the Clerk of Court to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 20, 2025
DOCKET	1:24-cv-01369-KES-SAB (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Federal prisoner sought habeas relief under 28 U.S.C. § 2241. After a magistrate judge recommended granting respondent's motion to dismiss and dismissing the petition, the district court conducted de novo review, adopted the findings and recommendations, granted the motion to dismiss, and dismissed the petition.
STANDARD OF REVIEW	De novo review of the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	Unpublished district court order; limited precedential value.
PARTIES	Lukner Blanc v. T. Taylor

TOPICS

- federal habeas corpus
- post-conviction relief
- motions to dismiss
- standard of review
- appellate procedure

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief
- federal prisoner litigation

QUESTIONS PRESENTED

1. Whether the magistrate judge's recommendation to grant respondent's motion to dismiss and dismiss the § 2241 petition should be adopted after de novo review.
2. Whether a habeas claim based solely on the Bureau of Prisons' alleged violation of its own program statement states a claim for relief under federal law.

HOLDINGS

1. The findings and recommendations were supported by the record and proper analysis and were adopted in full after de novo review.
2. A habeas claim cannot be sustained solely on the Bureau of Prisons' purported violation of its own program statement because such noncompliance is not a violation of federal law.

KEY QUOTATIONS

“a ‘habeas claim cannot be sustained based solely upon the BOP’s purported violation of its own program statement because noncompliance with a BOP program statement is not a violation of federal law,’” (at 2)

FACTUAL BACKGROUND

Lukner Blanc, a federal prisoner, filed a petition for writ of habeas corpus under 28 U.S.C. § 2241. One claim alleged that prison officials failed to provide a disciplinary hearing officer report within the fifteen-day period stated in BOP Program Statement 5270.09. The district court agreed that a claim based solely on noncompliance with a Bureau of Prisons program statement does not allege a violation of federal law.

PROCEDURAL HISTORY

The matter was referred to a United States Magistrate Judge under 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. On April 22, 2025, the magistrate judge issued findings and recommendations recommending dismissal; petitioner did not file objections within the permitted period. The district court reviewed the matter de novo, adopted the findings and recommendations in full, granted respondent's motion to dismiss, dismissed the petition, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Forde v. U.S. Parole Commission, 114 F.3d 878 (9th Cir. 1997)
- Ojo v. INS, 106 F.3d 680, 681-82 (5th Cir. 1997)
- Bradshaw v. Story, 86 F.3d 164, 166 (10th Cir. 1996)
- Reeb v. Thomas, 636 F.3d 1224, 1227 (9th Cir. 2011)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 LUKNER BLANC, No. 1:24-cv-01369-KES-SAB (HC) 12 Petitioner,
ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, GRANTING 13 v.
RESPONDENT’S MOTION TO DISMISS, DISMISSING PETITION FOR WRIT OF 14 T.
TAYLOR, HABEAS CORPUS, AND DIRECTING CLERK OF COURT TO CLOSE CASE 15
Respondent.

Docs. 8, 10 16 17 Petitioner is a federal prisoner proceeding pro se with a petition for writ of
habeas corpus 18 pursuant to 28 U.S.C. § 2241. This matter was referred to a United States
Magistrate Judge 19 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On April 22,
2025, the assigned magistrate judge issued findings and recommendations 21 that recommended
granting respondent’s motion to dismiss and dismissing the petition.

Doc. 10. 22 The findings and recommendations were served on petitioner and contained notice
that any 23 objections thereto were to be filed within thirty days after service. To date, no
objections have 24 been filed, and the time for doing so has passed. 25 In accordance with the
provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de 26 novo review of the case.

Having carefully reviewed the entire file, the Court holds the findings 27 28 1 | and
recommendations to be supported by the record and proper analysis.’ 2 In the event a notice of
appeal is filed, a certificate of appealability will not be required 3 | because this is an order
denying a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, 4 | nota final order in a
habeas proceeding in which the detention complained of arises out of 5 || process issued by a state
court.

Forde v. U.S. Parole Commission, 114 F.3d 878 (9th Cir. 1997); 6 | see Ojo v. INS, 106 F.3d 680,
681-82 (Sth Cir. 1997); Bradshaw v. Story, 86 F.3d 164, 166 (10th 7 | Cir. 1996). Accordingly: 8 1.
The findings and recommendations issued on April 22, 2025, Doc. 10, are ADOPTED 9 in full; 10
2. Respondent’s motion to dismiss, Doc. 8, is GRANTED; 11 3.

The petition for writ of habeas corpus is DISMISSED; and 12 4. The Clerk of Court is directed to
close the case. 13 14 15 | IT IS SO ORDERED. _ 16 Dated: _ June 19, 2025 UNITED STATES
DISTRICT JUDGE 17 18 19 20 21 22 ' The findings and recommendations correctly construed the
third claim as alleging only that 24 | petitioner had not been provided the DHO report within the
fifteen day-period provided for in BOP Program Statement 5270.09.

Doc. 10 at 3-4; see Doc. | at 2, 6 (petitioner alleged 25 throughout the petition that the prison failed
to provide the DHO report “within the time required 26 | by law” and “on time”). And given that a
“habeas claim cannot be sustained based solely upon the BOP’s purported violation of its own
program statement because noncompliance with a BOP 27 || program statement is not a violation
of federal law,” Reeb v. Thomas, 636 F.3d 1224, 1227 (9th Cir.

2011), the findings and recommendations correctly concluded that the third claim should be 28 | dismissed.

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