

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PRECEDENTIAL VALUE	Unpublished district court order; limited precedential value.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)

