

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, SOUTHERN DIVISION

Winston Grey Brakeall v. Alejandro Reyes

Brakeall · No. 4:25-CV-04063-CBK · Decided March 3, 2026

SUMMARY

The United States District Court for the District of South Dakota denied Winston Grey Brakeall’s habeas corpus petition challenging the recalculation of his South Dakota good-conduct-time credits, parole eligibility date, and final discharge date. The court held that the petition was governed by 28 U.S.C. § 2254 and was untimely under the one-year limitations period. The court also denied a discovery motion and declined to issue a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
WRITING FOR THE COURT	Charles B. Kornmann
JURISDICTION	United States District Court for the District of South Dakota
DECIDED	March 3, 2026
DOCKET	4:25-CV-04063-CBK
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a federal habeas petition under 28 U.S.C. § 2241 challenging the calculation of good-conduct-time credits and the resulting parole eligibility and discharge dates. The court treated the challenge as subject to 28 U.S.C. § 2254, granted respondent's motion to dismiss, denied petitioner's discovery motion, denied the petition, and denied a certificate of appealability.
STANDARD OF REVIEW	The court applied the one-year statute of limitations governing § 2254 petitions and considered the pleadings under the federal habeas framework applicable to challenges to the fact or length of custody. The court did not reach exhaustion, procedural default, or the cognizability of the alleged state-law violation because the petition was untimely.
PRECEDENTIAL VALUE	unpublished

PARTIES

Winston Grey Brakeall v. Alejandro Reyes

TOPICS

federal habeas corpus

statute of limitations

successive petitions

exhaustion of remedies

discovery dispute

PRACTICE AREAS

federal habeas corpus

post-conviction relief

prisoner rights

civil procedure

QUESTIONS PRESENTED

1. Whether a state prisoner challenging the administration of his sentence and the resulting length of confinement must proceed under 28 U.S.C. § 2254 even when the petition is styled under § 2241.
2. Whether the petition challenging the recalculation of good-conduct-time credits was timely under the one-year limitation period in 28 U.S.C. § 2244(d).
3. Whether petitioner's motion for discovery should be granted.

HOLDINGS

1. A state prisoner challenging the fact or length of confinement must proceed under the procedural restrictions of 28 U.S.C. § 2254, regardless of whether the pleading is styled as a petition under § 2241 or § 2254.
2. The petition was untimely because more than one year had elapsed after petitioner's claims concerning the recalculation of his good-conduct-time credits were resolved by the South Dakota Supreme Court.
3. The motion for discovery was denied.

FACTUAL BACKGROUND

Brakeall was sentenced in South Dakota state court in 1997. The South Dakota Board of Pardons and Paroles recalculated his good-conduct-time credits in 2009, allegedly applying statutes and policies not in effect when he was sentenced and thereby reducing his credits by 54 months. He pursued administrative and state-court remedies, which concluded on November 21, 2011, and filed this federal habeas challenge in 2025.

PROCEDURAL HISTORY

Brakeall was sentenced in South Dakota state court in 1997 and challenged the South Dakota Board of Pardons and Paroles' recalculation of his good-conduct-time credits through administrative proceedings and South Dakota state courts. Those proceedings concluded on November 21, 2011. He filed the present federal challenge in 2025. The district court held that the petition was untimely under the one-year limitation period applicable to § 2254 petitions and dismissed it.

DISPOSITION

dismissed

CASES CITED

- Preiser v. Rodriguez, 411 U.S. 475, 487, 93 S. Ct. 1827, 1835, 36 L. Ed. 2d 439 (1973)
- Jensen v. Satran, 651 F.2d 605, 607 (8th Cir. 1981)
- Crouch v. Norris, 251 F.3d 720, 723 (8th Cir. 2001)
- Felker v. Turpin, 518 U.S. 651, 662, 116 S. Ct. 2333, 135 L. Ed. 2d 827 (1996)
- Litschewski v. Dooley, 2012 WL 3929901, at *3 (D.S.D. 2012)
- Brakeall v. Dooley, 2018 WL 3468707, at *2 (D.S.D. 2018)
- Brakeall v. Kaemingk, 2018 WL 1061447, at *1 (D.S.D. 2018)

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