

25-5930 MAXWELL V. THOMAS

DECISION BELOW: 133 F.4th 453

LOWER COURT CASE NUMBER: 23-40699

QUESTION PRESENTED:

In 2020 Maxwell sought transfer to halfway house or home confinement under the First Step Act of 2018, 18 U.S.C. §3624(g), 18 U.S.C. §3621(b) and §3621(h), the CARES Act of 2020, 18 U.S.C. §3624(c), the Second Chance Act of 2018 reauthorized by the First Step Act of 2018, 34 U.S.C. §60541, and Compassionate Release. The Warden only addressed Maxwell's CARES Act request and denied relief. The warden otherwise ignored all Maxwell's other explicitly pled issues. Maxwell, after exhausting his administrative remedies proceeded in Court, filing a §2241 habeas. The U.S.D.C. dismissed alleging Maxwell failed to exhaust his administrative remedies for First Step Act relief. Maxwell appealed the decision of the U.S.D.C. to the Fifth Circuit.

Sua sponte, the Fifth Circuit held, contrary to this Court's decision in *Jones v. Hendrix*, 216 L.Ed.2d 471, 484 (2022), and contrary to nine other Courts of Appeal -- see *Woodall v. Fed. Bureau of Prisons*, 432 F.3d 235, 241 (3d Cir. 2025); *Jiminian v. Nash*, 245 F.3d 144, 147 (2d Cir. 2001); *Hernandez v. Campbell*, 204 F.3d 861, 864 (9th Cir. 2000); *United States v. Hutchins*, 835 F.2d 185, 186 (8th Cir. 1987); *Montez v. McKinna*, 208 F.3d 862, 865 (10th Cir. 2000); *United States v. Little*, 392 F.3d 671, 678- 79 (4th Cir. 2024); *McCarthan v. Dir. of Goodwill Indus. - Suncoast*, 851 F.3d 1076, 1092-93 (11th Cir. 2007) (en banc); *United States v. Barrett*, 178 F.3d 34, 50 n.10 (1st Cir. 1999); and *Valona v. United States*, 138 F.3d 693, 694 (7th Cir. 1998) --that its bright-line rule adopted in *Melot v. Bergomi*, 970 F.3d 596, 599 (5th Cir. 2020) controlled. There the Fifth Circuit held that unless a favorable determination of the prisoner's claim would not automatically entitle him to accelerated release from his sentence, then the proper vehicle is a civil rights suit. The Fifth Circuit dismissed.

I. The question for this Court is whether disputes regarding the calculation of an inmate's earned First Step Act time credits, enabling the inmate to transfer into halfway house or home confinement earlier, similar to parole, are actionable under 28 U.S.C. §2241,

II. The question for this Court is whether, given all the obstruction of the administrative remedy process that took place in this case, under *Perttu v. Richards*, exhaustion of administrative remedies is interwoven into the underlying claims themselves, creating a fact issue for a jury, and whether the trial court must make that determination in the first instance

THE PETITION FOR A WRIT OF CERTIORARI IS GRANTED LIMITED TO THE FOLLOWING QUESTION:

WHETHER A CLAIM REGARDING APPLICATION OF TIME CREDITS UNDER THE FIRST STEP ACT OF 2018, 132 STAT. 5195–5208 (CODIFIED IN RELEVANT PART AT 18 U. S. C. §§3631–3635), SEEKING ACCELERATED TRANSFER TO A HALFWAY HOUSE OR HOME CONFINEMENT, CAN BE BROUGHT IN A HABEAS PETITION UNDER 28 U. S. C. §2241.

CERT. GRANTED 6/1/2026