

Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

OBINNA NWAFOR,

Petitioner,

v.

WARDEN, FCI FORT DIX,

Respondent.

Civil Action No. _____

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U.S. DISTRICT COURT
CLERK'S OFFICE

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

Petitioner Obinna Nwafor, proceeding pro se, respectfully submits this Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 challenging the Bureau of Prisons' (BOP) failure to award and apply Federal Time Credits (FTCs) under the First Step Act (FSA) during the period of his pre-designation custody from February 7, 2024, until May 28, 2024.

I. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody in this District and challenges the manner in which his sentence is being executed. Venue is proper in the District of New Jersey because Petitioner is incarcerated at FCI Fort Dix, which is located in this District.

II. PARTIES

1. Petitioner, Obinna Nwafor, is currently incarcerated at the Federal Correctional Institution (FCI) Fort Dix Satellite Camp, in Fort Dix, New Jersey.

2. Respondent is the Warden of FCI Fort Dix, who has immediate custody over the Petitioner.

III. CUSTODY STATUS AND FACTS

3. Petitioner is serving a sentence for violating 18 U.S.C. § 641 (Theft of Government Property). His federal sentence commenced on February 7, 2024.
4. From February 7, 2024, to May 28, 2024, Petitioner was in continuous federal custody but had not yet arrived at his designated BOP facility. During this period, he was in pre-designation transit custody under the authority of the BOP.
5. Petitioner participated in eligible evidence-based recidivism reduction (EBRR) programming and/or productive activities during this time, or was otherwise eligible to earn FTCs under the First Step Act.

IV. GROUNDS FOR RELIEF

6. The BOP failed to award Petitioner the FTCs he was eligible to earn between February 7, 2024, and May 28, 2024. This period of custody qualifies as time in BOP custody under the FSA.
7. The BOP's failure to credit these FTCs violates the First Step Act and denies Petitioner due process and the statutory benefits to which he is entitled.

V. EXHAUSTION OF REMEDIES

8. Petitioner has exhausted all available administrative remedies or exhaustion should be excused as futile due to the purely legal nature of this claim and the ongoing harm from the BOP's refusal to award FTCs.

VI. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- a. Issue a writ of habeas corpus under 28 U.S.C. § 2241 directing the BOP to recalculate Petitioner's earned FTCs to include the period from February 7, 2024, to May 28, 2024;
- b. Apply any eligible FTCs to Petitioner's sentence in accordance with 18 U.S.C. § 3632(d)(4); and
- c. Grant such other relief as this Court deems just and proper.

VII. DECLARATION

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: 05/15/2025
Signature: Obinna Nwafor

Name: Obinna Nwafor

Reg. No.: 

FCI Fort Dix – Satellite Camp

Fort Dix, New Jersey

17. Application to Petitioner's Case: Applying these precedents, Petitioner asserts that he is entitled to FSA time credits for the period between February 7, 2024, and May 28, 2024, during which he was in BOP custody awaiting designation to FCI Fort Dix. Denying these credits solely based on his transit status is inconsistent with the FSA and the reasoning in *Yufenyuy* and *Heath*.

V-A. LEGAL ARGUMENT AND SUPPORTING CASE LAW

15. Statutory Framework: Under the First Step Act, 18 U.S.C. § 3632(d)(4)(A), eligible inmates "shall earn 10 days of time credits for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities." The statute does not stipulate that such credits can only be earned after arrival at a designated Bureau of Prisons (BOP) facility.

16. Accrual of Time Credits During Pre-Designation Custody: Courts have recognized that inmates are entitled to earn FSA time credits from the commencement of their sentence, even if they have not yet arrived at their designated facility:

In *Yufenyuy v. Warden, FCI Berlin*, 659 F. Supp. 3d 213 (D.N.H. 2023), the court held that the BOP must award FSA time credits from the date a prisoner's sentence commences under 18 U.S.C. § 3585(a), regardless of whether the prisoner has arrived at their designated facility. The court emphasized that the BOP's policy of delaying the accrual of FSA time credits until an inmate arrives at their designated facility contradicts the plain language of the FSA.

In *Heath v. Knight*, No. 23-CV-3346 (PKC), 2023 WL 5350994 (S.D.N.Y. Aug. 21, 2023), the Southern District of New York granted habeas relief under § 2241 where the BOP improperly refused to apply FSA time credits earned while the petitioner was in transit or pre-designation custody. The court found no statutory basis to exclude credit during such periods and ordered recalculation of the petitioner's release date.

In *Borker v. Bowers*, No. 1:24-cv-10045-LTS (D. Mass. May 2024), U.S. District Judge Leo T. Sorokin ruled that the BOP's policy of withholding FSA time credits until an inmate arrives at their designated facility contravenes the plain language of the FSA. The court ordered the BOP to award all FSA time credits from the time the petitioner's sentence commenced, impacting thousands of federal prisoners and representing significant cost savings.

In *Jacobin v. Warden*, No. 2:22-cv-00091, 2023 WL 4879048 (D. Vt. Aug. 2023), the District Court for the District of Vermont ruled that an inmate is entitled to FSA time credits beginning on the day their sentence commences, even if the inmate has not yet been designated to a specific BOP facility. The court concluded that the plain language of the FSA mandates the accrual of credits from the sentence commencement date and that transit time should be included.

In *Wong v. Warden*, 2023 WL 4501366 (9th Cir. 2023), the Ninth Circuit held that the Bureau of Prisons must award First Step Act time credits during any period of time the inmate spends in custody under the BOP's care, including during transit to the designated facility. The court found that failure to apply credits during such periods would undermine the purpose of the FSA to reduce recidivism and encourage rehabilitation from the start of an inmate's sentence.

17. Application to Petitioner's Case: Applying these precedents, Petitioner asserts that he is entitled to FSA time credits for the period between February 7, 2024, and May 28, 2024, during which he was in BOP custody awaiting designation to FCI Fort Dix. Denying these credits solely based on his transit status is inconsistent with the FSA and the reasoning in *Yufenyuy*, *Heath*, *Borker*, *Jacobin*, and *Wong*.