

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 10, 2026

Lyle W. Cayce
Clerk

No. 25-30546

DONATUS OZOANI,

Petitioner—Appellant,

versus

NATHAN PATE, *Warden, Federal Correctional Institution OAKDALE I,*

Respondent—Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:25-CV-184

Before WIENER, HAYNES, and GRAVES, *Circuit Judges.*

PER CURIAM:*

Plaintiff-Appellant Donatus Ozoani is an inmate in the custody of the Bureau of Prisons. Ozoani was sentenced in Australia, and is currently serving his sentence in the United States as a Treaty Transfer. In January, 2025, Ozoani began a grievance procedure to request First Step Act Time Credits be applied to his file by filing an Inmate Request to Staff. The warden denied his request, citing Program Statement 5410.01 CN-2. That Program

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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Statement categorically excluded treaty transfer inmates from earning FSA Time Credits. *See* United States Department of Justice, First Step Act of 2018 — Time Credits: Procedures for Implementation of 18 U.S.C. § 3632(d)(4), https://bop.gov/policy/progstat/541.01_cn2.pdf (last accessed May 26, 2026). The warden instructed Ozoani to file particular forms if he wished to appeal his decision via the Administrative Remedy process. Instead, Ozoani filed the instant petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The district court denied his petition because Ozoani had not exhausted his administrative remedies before filing.

This court reviews for abuse of discretion the dismissal of a § 2241 petition for failure to exhaust administrative remedies. *Gallegos-Hernandez*, 688 F.3d 190, 194 (5th Cir. 2012). Section 2241 does not textually require exhaustion. *See* § 2241; *see also Montano v. Texas*, 867 F.3d 540, 542 (5th Cir. 2017) (recognizing that the text of § 2241 does not include an exhaustion requirement). “[I]n the absence of a statutory requirement of exhaustion of administrative remedies,” courts generally apply the jurisprudential doctrine of exhaustion. *Taylor v. U.S. Treasury Dep’t.*, 127 F.3d 470, 475 (5th Cir. 1997). “The jurisprudential exhaustion doctrine is not jurisdictional in nature.” *Id.*

Under the jurisprudential exhaustion doctrine, “a federal prisoner filing a § 2241 petition must first pursue all available administrative remedies,” even if exhaustion is not statutorily required. *Gallegos-Hernandez*, 688 F.3d at 194. But an exception to exhaustion is appropriate “where the available administrative remedies either are unavailable or wholly inappropriate to the relief sought, or where the attempt to exhaust such remedies would itself be a patently futile course of action.” *Id.* (citation modified). Exceptions have been granted when petitioners are challenging the constitutionality of the administrative proceeding itself, *see Carr v. Saul*, 593 U.S. 83, 85 (2021), or when the petitioner is seeking “relief from those

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who are charged to enforce the regulation,” *Gallegos-Hernandez*, 688 F.3d at 194.

If Ozoani had followed the Administrative Remedy process, he would have encountered yet more officials bound by the Program Statement to deny his request. The Program Statement is unequivocal, and Ozoani is seeking to have the scheme itself ruled unlawful. Requiring Ozoani to appeal to officials bereft of discretion to grant his relief is textbook futility. *Cf. Montoya v. Fleming*, 121 F.App’x 35, 36 (5th Cir. 2005) (holding petitioner did not establish futility because officials had some degree of discretion as to whether petitioner could participate in drug treatment program). Ozoani need not pursue those administrative remedies before the courts address his claims.

Accordingly, the judgment of the district court is REVERSED, and this matter is REMANDED for the district court’s reconsideration. The Motion to Consolidate carried with the case is DENIED.

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HAYNES, *Circuit Judge*, dissenting:

I agree with the district court, so I respectfully dissent because I would affirm.