

United States Court of Appeals for the Fifth Circuit

No. 26-10043
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
September 25, 2026

Lyle W. Cayce
Clerk

ALPHONSO EDUARDO GONZALES,

Petitioner—Appellant,

versus

J. BRAWLEY, *Acting Warden, Federal Correctional Institution BIG
SPRING,*

Respondent—Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:25-CV-181

Before BARKSDALE, GRAVES, and HIGGINSON, *Circuit Judges.*

PER CURIAM:*

Alphonso Eduardo Gonzales, federal prisoner # 58995-051 and proceeding *pro se* in district court and on appeal, contests the denial of his 28 U.S.C. § 2241 habeas petition and seeks appointment of counsel. (Regarding Gonzales' request for appointment of counsel, he fails to show the requisite

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

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exceptional circumstances warranting such appointment. *Ulmer v. Chancellor*, 691 F.2d 209, 213 (5th Cir. 1982).)

The district court concluded the petition failed because he is statutorily precluded from applying time credits under Section 3632 of the First Step Act of 2018 (FSA), Pub. L. No. 115-391, § 3632, 132 Stat. 5194, 5195. When considering the denial of § 2241 relief, our court reviews the district court's factual findings for clear error and its legal conclusions *de novo*. *Jeffers v. Chandler*, 253 F.3d 827, 830 (5th Cir. 2001).

Gonzales contends the court erred by concluding he is not entitled to apply time credits under the FSA. He raises a litany of reasons in support of his contention, including that the court erred by: improperly evaluating his credibility; failing to consider the totality of the circumstances; and denying him a full and fair hearing in violation of due process under the Fifth Amendment. In any event, those subject to a final order of removal are “ineligible to apply time credits” under the FSA. 18 U.S.C. § 3632(d)(4)(E)(i). Because the Bureau of Prisons provided evidence showing Gonzales was subject to a final order of removal and he does not contend otherwise, the record supports the district court's concluding Gonzales is ineligible to apply FSA credits.

AFFIRMED; request for appointed counsel DENIED.