IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TIMOTHY L. BECKWITH,	:	Civil No. 3:16-cv-596
Petitioner	:	(Judge Mariani)
v.	:	
L.J. ODDO,	:	
Respondent	:	

MEMORANDUM

Presently before the Court is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 filed by Petitioner, Timothy Beckwith, an inmate formerly confined at the Allenwood United States Penitentiary, White Deer, Pennsylvania ("USP-Allenwood"). (Doc. 1). Named as the sole Respondent is Warden L.J. Oddo of USP-Allenwood. Beckwith claims that his due process rights were violated in every disciplinary incident report he has received since he entered Bureau of Prisons ("BOP") custody in 2006. (*Id.*). Beckwith also claims that the BOP failed to credit his federal sentence for time spent in pre-trial detention. (*Id.*). For relief, Beckwith seeks expungement of all disciplinary proceedings and a sentence credit for the period of June 2, 2004, through March 12, 2006. (*Id.* at p. 8). The petition is ripe for disposition and, for the reasons that follow, will be dismissed.

I. Background

A. Exhaustion of Administrative Review

Beckwith filed seventeen administrative remedies during his incarceration with the

BOP. (Doc. 15, pp. 1-4, Declaration of M. Boudreaux, BOP Correctional Program Specialist ("Boudreaux Decl."), ¶¶ 18-19; Doc. 15, pp. 58-67, Administrative Remedy Generalized Retrieval). Beckwith only filed four administrative remedies challenging DHO decisions. (Doc. 15, pp. 59, 64, 66, Administrative Remedy Generalized Retrieval). Of the four DHO challenges, only one of them was filed at the Central Office level, designated as Administrative Remedy 852590-A1. (Doc. 15, p. 66, Administrative Remedy Generalized Retrieval). On May 2, 2016 , the Central Office rejected Administrative Remedy 852590-A1 because Beckwith failed to submit the proper number of continuation pages. (*Id.*). The Central Office instructed Beckwith to resubmit Administrative Remedy 852590- A1 in proper form within fifteen days. (*Id.*). Beckwith failed to do so.

None of Beckwith's administrative remedies relate to his sentence computation. (Boudreaux Decl. ¶¶ 18-19; Doc. 15, pp. 58-67, Administrative Remedy Generalized Retrieval).

B. Sentence Computation

On June 1, 2004, Beckwith was arrested by non-federal authorities in St. Louis, Missouri and was held on charges of Sodomy 1st Under 14 years, Abuse of a Child, Sexual Performance-Child, and Promoting Sex Performance on a Child. (Boudreaux Decl. ¶ 1). These charges were later filed in St. Louis County Circuit Court at docket number 04-cr-2261. (Boudreaux Decl. ¶ 1; Doc. 15, pp. 15-22, Sentence and Judgment, Circuit Court of

St. Louis County, Missouri, Docket No. 04-cr-2261). Pursuant to this arrest, Beckwith was in the primary custody of Missouri state officials. (Boudreaux Decl. ¶ 1).

On September 2, 2004, federal officials indicted Beckwith in the United States District Court for the Eastern District of Missouri for Production of Child Pornography. (Boudreaux Decl. ¶ 3).

On December 15, 2005, Beckwith was borrowed by the United States Marshals Service ("USMS") via federal writ of habeas corpus ad prosequendum for processing of federal criminal charges in the United States District Court for Eastern District of Missouri. Beckwith was returned to state officials that same day. (Boudreaux Decl. ¶ 4; Doc. 15, pp. 12-13, USMS Individual Custody and Detention Report). On March 13, 2006, Beckwith pled guilty to the charges in St. Louis County Circuit Court charges case number 04-cr-2261. (Boudreaux Decl. ¶ 5; Doc. 15, pp. 15-22, Sentence and Judgment, Circuit Court of St. Louis County, Missouri, Docket No. 04-cr-2261).

On March 24, 2006, Beckwith's probation was revoked in another case in St. Louis County, docket number 03-cr-4289, and he was sentenced to a five year term of imprisonment to run concurrent with his federal sentence, and St. Louis County case number 04-cr-2261. (Boudreaux Decl. ¶ 6; Doc. 15, p. 26, Department of Corrections, Adult Institutions, Face Sheet).

On May 25, 2006, Beckwith was again temporarily transferred to federal custody

pursuant to a federal writ and was sentenced to 180 months' imprisonment for the instant federal offense. (Boudreaux Decl. ¶ 7; Doc. 15, pp. 12-13, USMS Individual Custody and Detention Report; Doc. 15, pp. 31-38, Judgment in a Criminal Case). The federal court ordered the federal sentence to be served concurrently to the previously imposed state sentence in Docket Number 03-cr-4289 and recommended that Beckwith serve his term of incarceration in federal custody. (Boudreaux Decl. ¶ 7; Doc. 15, pp. 31-38, Judgment in a Criminal Case). The USMS returned Beckwith to state officials that same day. (*Id.*).

On May 26, 2006, Beckwith was sentenced by the State of Missouri to a twenty-five years term of imprisonment in St. Louis County Circuit Court case number 04-cr-2261. (Boudreaux Decl. ¶ 8; Doc. 15, pp. 15-22, Sentence and Judgment, Circuit Court of St. Louis County, Missouri, Docket No. 04-cr-2261; Doc. 15, pp. 26-27, Department of Corrections, Adult Institutions, Face Sheet, p. 2). The state court ordered that the state sentence be served concurrently with the federal sentence, and remanded Beckwith to the Department of Justice Services of St. Louis County for transportation to the BOP for service of the state sentence. (Boudreaux Decl. ¶ 8).

On May 26, 2006, the State of Missouri relinquished jurisdiction of Beckwith to federal officials and he came into the exclusive custody of federal authorities. (Boudreaux Decl. ¶ 9; Doc. 15, pp. 12-13, USMS Individual Custody and Detention Report). Beckwith's federal sentence commenced on May 25, 2006, the date it was imposed, as the federal

court ordered the federal sentence to run concurrent with the state sentence. (Boudreaux Decl. ¶ 10; Doc. 15, pp. 40-52, Program Statement 5880.28, Sentence Computation Manual (CCCA of 1984); Doc. 15, pp. 54-56, Public Information Inmate Data).

II. Discussion

A. Beckwith's Petition Challenges 25 Separate Administrative Decisions

The rules governing habeas petitions generally require separate petitions addressing separate judgments which have affected the fact or length of a prisoner's incarceration. *See* R. GOVERNING § 2254 CASES R. 2(e) ("Separate Petitions for Judgments of Separate Courts. A petitioner who seeks relief from judgments of more than one state court must file a separate petition covering the judgment or judgments of each court."). *See also* R. GOVERNING § 2254 CASES 1(b) (applicable to petitions under 28 U.S.C. § 2241 in the discretion of the court).

In *Edwards v. Hollingsworth*, the United States District Court for the District of New Jersey stated as follows:

> No habeas petitioner can challenge different determinations, regardless of whether they were judicial or administrative, in a single action. "Habeas Rules do not envision ... a lump-sum challenge to the circumstances which a litigant might find [himself] in. Rather, [under] Habeas Rule 2(e), [every] petitioner is obligated to submit a separate habeas application challenging each particular determination.... Therefore, [the] petitioner shall select, for the purposes of each ... habeas action, [a] particular [administrative or judicial] determination ... he wishes to challenge, and then file an individual petition with regard to each specific challenge." *Alou v. Holder*, 2010 U.S. Dist. LEXIS 113717, at *2-3 (D.N.J. Oct. 22, 2010) (citing 28 U.S.C. § 2254 Rule

> 2(e), applicable to §§ 2241 and 2255 petitions through Habeas Rule 1(b)) (capitalization removed); *see also Muniz v. Zickefoose*, 2011 U.S. Dist. LEXIS 115766, at *13 (D.N.J. Sept. 30, 2011) (noting the same as "axiomatic"), *aff'd*, 460 Fed. Appx. 165 (3d Cir. 2012). It follows that, where a litigant raises different habeas challenges in a single action, the court either dismisses his claims for failure to comply with Habeas Rule 2(e) or severs each line of challenges into its own, new and separate, habeas matter in order to address its procedural or substantive properties. *See Izac v. Norwood*, 2010 U.S. Dist. LEXIS 129520 (D.N.J. Dec. 7, 2010).

Edwards v. Hollingsworth, 2014 WL 806444, at *2 (D.N.J. 2014).

Beckwith's petition challenges twenty-five discrete disciplinary actions, and also challenges his sentence computation. In the petition, Beckwith states that he is disputing every disciplinary proceeding listed in the Inmate Disciplinary Record. (Doc. 1, pp. 2, 12-19). Beckwith sets forth no arguments in support of his statements, and does not provide any specific challenges to any incident reports. Instead, Beckwith simply attaches a copy of his Inmate Disciplinary Record. The Court finds that Beckwith's general challenge of twenty-five separate incident reports, and challenge to his sentence computation, in a single habeas petition violates the rules governing habeas proceedings and is an abuse of the judicial system. Consequently, Beckwith's petition will be dismissed without prejudice to his right to raise each claim in separate actions.

B. Exhaustion

In the alternative, Respondent argues that the petition should be denied based on Beckwith's failure to comply with the BOP's administrative review process. (Doc. 8, pp. 13-

14). Despite the absence of a statutory exhaustion requirement attached to § 2241, courts have consistently required a petitioner to exhaust administrative remedies prior to bringing a habeas claim under § 2241. *See Callwood v. Enos*, 230 F.3d 627, 634 (3d Cir. 2000); *Moscato v. Federal Bureau of Prisons*, 98 F.3d 757, 760 (3d Cir. 1996). Exhaustion is required "for three reasons: (1) allowing the appropriate agency to develop a factual record and apply its expertise facilitates judicial review; (2) permitting agencies to grant the relief requested conserves judicial resources; and (3) providing agencies the opportunity to correct their own errors fosters administrative autonomy." *Moscato*, 98 F.3d at 761-62 (citing *Bradshaw v. Carlson*, 682 F.2d 1050, 1052 (3d Cir. 1981)). Nevertheless, exhaustion of administrative remedies is not required where exhaustion would not promote these goals. *See, e.g., Gambino v. Morris*, 134 F.3d 156, 171 (3d Cir. 1998) (exhaustion not required where petitioner demonstrates futility); *Lyons v. U.S. Marshals*, 840 F.2d 202, 205 (3d Cir. 1988) (exhaustion may be excused where it "would be futile, if the actions of the agency clearly and unambiguously violate statutory or constitutional rights, or if the administrative procedure is clearly shown to be inadequate to prevent irreparable injury"); *Carling v. Peters*, No. 00-2958, 2000 WL 1022959, at *2 (E.D. Pa. July 10, 2000) (exhaustion not required where delay would subject petitioner to "irreparable injury").

In general, the BOP's administrative review remedy program is a multi-tier process that is available to inmates confined in institutions operated by the BOP for review of an

issue which relates to any aspect of their confinement. (Boudreaux Decl. ¶ 16, citing 28 C.F.R. § 542.10, *et seq.*). With respect to disciplinary hearing decision appeals, a BOP inmate can initiate the first step of the administrative review process by filing a direct written appeal to the BOP's Regional Director (thus bypassing the institutional level of review) within twenty days after receiving the Discipline Hearing Officer's ("DHO") written report. 28 C.F.R. § 542.14(d)(2). If dissatisfied with the Regional Director's response, a Central Office Appeal may then be filed with the BOP's Office of General Counsel within thirty days of the date the Regional Director signed the response. 28 C.F.R. § 542.15(a). This is the inmate's final available administrative appeal. (*Id.*).

In the instant matter, Respondent asserts that Beckwith did not successfully complete the administrative remedy process concerning any of his DHO challenges and he did not initiate the administrative remedy process concerning his sentence computation claim. (Doc. 8, pp. 13-14). In response, Beckwith asserts that he was denied administrative remedy forms, rendering the administrative remedy process unavailable. (Doc. 9, pp. 1-3). Under the circumstances in the present case, Respondent may have sufficiently demonstrated that Beckwith failed to properly exhaust his administrative remedies prior to filing the instant action and, therefore, procedurally defaulted his claims. However, at this juncture, the Court declines to have this case turn on whether exhaustion was satisfied or excused, because it is clear based upon the reasoning set forth above, that

Beckwith may not challenge every disciplinary incident report he has received since he entered BOP custody, as well challenge his sentencing computation, in a single habeas petition.

III. Conclusion

Based on the foregoing, the petition for writ of habeas corpus will be dismissed. A separate Order shall issue.

Date: ~~March~~ April 6, 2017
RDM

Robert D. Mariani
United States District Judge