

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

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| KATINA ROCHELLE CANDRICK, | § | |
| Petitioner, | § | |
| | § | |
| v. | § | Civil Action No. 4:21-CV-994-P |
| | § | |
| MICHAEL CARR, Warden, | § | |
| FMC-Carswell, | § | |
| Respondent. | § | |

OPINION AND ORDER

Before the Court is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 filed by Petitioner, Katina Rochelle Candrick, a federal prisoner who was confined at FMC-Carswell when the petition was filed, against Michael Carr, warden of FMC-Carswell, Respondent. After considering the pleadings and relief sought by Petitioner, the Court has concluded that the petition should be dismissed for mootness.

I. BACKGROUND

Petitioner was confined pursuant to her 2014 convictions in the Western District of Texas for unlawful possession of a fraudulent identification document and conspiracy to commit identity theft. *See* J., United States v. Candrick, PACER, U.S. Party/Case Index, Criminal Docket for #6:09-cr-00178-ADA-1, ECF No. 84. By way of this petition, Petitioner requests the Court compel the Bureau of Prisons (BOP) to consider her for immediate placement in a residential reentry center (RRC), formerly known as community corrections centers, under the Second Chance Act based upon the factors contained in 18 U.S.C. §3621(b). Pet. 8, ECF No. 1.

II. DISCUSSION

Through the Second Chance Act, which became effective April 9, 2008, Congress amended 18 U.S.C. § 3624(c)(1) so as to increase the maximum time for pre-release RRC placement to twelve months and to require “the BOP to make placement decisions on an individual basis consistent with the criteria set forth in the statute.” *Santos v. Berkebile*, No. 3:08-CV-0192-D, 2008 WL 2330920, at *2 n.3 (N.D. Tex. 2008) (accepting findings of Mag. J.). However, federal habeas-corpus relief is available only where the petitioner demonstrates that he or she is in custody in violation of his or her constitutional or other federal rights. 28 U.S.C. § 2241(c). Notwithstanding a prisoner’s eligibility for pre-release RRC placement, it is well settled that there is no constitutionally protected right of a convicted person to early release under 18 U.S.C. § 3624(c) or to be confined in any particular place. *See Rublee v. Fleming*, 160 F.3d 213, 214 (5th Cir. 1998); *Zerby v. Keffer*, No. 4:10-CV-197, 2010 WL 3835235, at *2, Y (N.D. Tex. 2010), *R. & R. adopted*, 2010 WL 3835148 (N.D. Tex. 2010). In addition, “nothing in the Second Chance Act or § 3621(b) entitles [Petitioner] or any other prisoner to a guaranteed placement” in a RRC. *See Creager v. Chapman*, No. 4:09-CV-0713-A, 2010 WL 1062610, at *3 (N.D. Tex. 2010).


Although Respondent asserts that the petition should be dismissed for failure to exhaust administrative remedies, BOP records indicate that Petitioner is no longer confined at FMC-Carswell and has been released to a RRC or halfway house managed by Dallas RRM. *See U.S. Department of Justice, Federal Bureau of Prisons/Inmate Locator, available*

at <http://www.bop.gov> (last visited Dec. 3, 2021). As of this date, Petitioner has not notified the court of her current address or whereabouts. Moreover, Petitioner's release to a RRC has rendered her habeas petition moot. *Bailey v. Southerland*, 821 F.2d 277, 278–79 (5th Cir. 1987). Because this Court can no longer provide her with the relief she seeks, dismissal of the petition is appropriate. *McRae v. Hogan*, 576 F.2d 615, 616–17 (5th Cir. 1978).

III. CONCLUSION

For the reasons discussed, Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 is **DISMISSED** as moot.

SO ORDERED on this **3rd day of December, 2021**.

A handwritten signature in black ink that reads "Mark T. Pittman". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Mark T. Pittman
UNITED STATES DISTRICT JUDGE