UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

NORDIA TOMPKINS, Petitioner,	:	No. 3:22-cv-00339 (OAW)
v.	:	
TIMETHEA PULLEN, PATRICK MCFARLAND, AND MICHAEL CARVAJAL, Respondents.	:	April 13, 2022

MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(6), and in response to the Court's March 2, 2022 Order to Show Cause (ECF No. 13), Respondents Timethea Pullen, in her official capacity as Warden of Federal Correction Institute at Danbury, Patrick McFarland, in his official capacity as Residential Reentry Manager, and Michael Carvajal, in his official capacity as Director, Federal Bureau of Prisons (together, "Respondents") have moved to dismiss the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (ECF No. 1) (the "Petition") filed by Nordia Tompkins ("Petitioner").

As set forth below, Petitioner fails to state a claim upon which relief can be granted. Petitioner was redesignated to secure custody after she proved herself incapable of complying with the conditions of community custody through her repeated misconduct. The Court does not have the authority to substitute its judgment for that of BOP in determining where Petitioner should serve her sentence, and should decline the invitation to do so here. Furthermore, Petitioner was afforded Due Process. Finally, there is evidence supporting the disciplinary decision against Petitioner. Accordingly, the Court should deny the relief prayed for in the Petition and dismiss this action with prejudice.

I. FACTS

Petitioner is an inmate incarcerated at the Federal Correction Institute at Danbury, Connecticut ("FCI Danbury"). On July 17, 2017, the United States District Court for the Southern District of New York sentenced Petitioner to an 87-month term of imprisonment, followed by a 4-year term of supervised release, for Conspiracy to Distribute and Possession with Intent to Distribute Heroin in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(b) and 846. *See* Judgment and Commitment Order in Case No. 16-CR-00328-06 (S.D.N.Y.).

A. Petitioner's Redesignation To Home Confinement

On June 4, 2020, Petitioner was redesignated from FCI Danbury to a residence in New York to serve her federal sentence in Home Confinement ("HC"). Declaration of Nichole Hayden, DHO dated March 25, 2022 (attached as **Exhibit 1**) ("Hayden Decl.") ¶ 4.[1] While in HC, Petitioner remained a federal inmate, in the service of her federal sentence, and subject to the BOP's inmate disciplinary policy as per Program Statement No. 5270.09, Inmate Discipline Program.[2] *Id.* ¶ 5.

Inmates in HC are supervised by Residential Reentry Center ("RRC") staff, who are federal contractors responsible for supervising inmates in the community whether they are designated to an RRC (a "halfway house") or to HC. *Id.* While in HC, Petitioner was supervised by the Bronx (NY) Community Reentry Center. *Id.*; *see also* Pet. ¶ 1.

As part of her conditions of community supervision, Petitioner was required to "remain

[1] The Court may consider any of the attachments to Respondents' motion to dismiss, even those not ordinarily considered at this pleading stage, so long as Petitioner is given an opportunity to admit or deny their correctness. The Rules Governing Section 2254 Cases in the United States District Courts ("Habeas Rules"), which may also be applied to a habeas petition brought pursuant to Section 2241 per Rule 1(b), permit the Court to direct that the record be expanded in the event the petition is not dismissed on the pleadings, provided the opposing party is afforded an opportunity to admit or deny the correctness of the additional materials. *See* Habeas Rules 7(a), (c).

[2] Available at https://www.bop.gov/policy/progstat/5270_009.pdf.

at my place of residence, except for employment, unless I am given permission to do otherwise," which Petitioner agreed to by form signed and dated January 25, 2021. Hayden Decl. ¶ 6 & Exhibit A (Community Based Program Agreement for Nordia Tompkins(Reg. No. 77676-054), dated January 25, 2021).

B. Petitioner's Repeated Violation Of Home Confinement Conditions

On May 6, 2021, Petitioner was found to have committed a violation of Code 309, Violating a Condition of a Community Program, after staff at the RRC were unable to reach her by landline or cellular telephone while she was on an approved pass to be at school. Declaration of Patrick McFarland, RRM (attached as **Exhibit 2**) ("McFarland Decl.") ¶ 5 & Exhibit B (Form BP-S205.073 Incident Report for Nordia Tompkins (Reg. No. 77676-054), dated May 7, 2021).

On June 10, 2021, Petitioner was found to have committed a second violation of Code 309, Violating a Condition of a Community Program, after electronic monitoring showed her to be at an unauthorized address for approximately one hour and fifteen minutes that evening. McFarland Decl. ¶ 6 & Exhibit C (Form BP-S205.073 Incident Report for Nordia Tompkins (Reg. No. 77676-054), dated June 11, 2021).

On June 21, 2021, Petitioner was again found to be at an unauthorized location, specifically a AT&T cellular phone store located in Yonkers, NY. McFarland Decl. ¶ 7; *see also* Hayden Decl. ¶ 7; Pet. ¶ 1. Because Petitioner had not obtained prior permission to visit the AT&T store, on June 21, 2021 an Incident Report was written for Code 309, Violating a Condition of a Community Program. Hayden Decl. ¶ 7 & Exhibit B (Form BP-S205.073 Incident Report for Nordia Tompkins (Reg. No. 77676-054), dated June 22, 2021). This was Petitioner's *third* violation of Code 309 in as many months. *See* McFarland Decl. ¶¶ 5-8.

C. RRC Disciplinary Hearing

With respect to Petitioner's third violation of Code 309 – the June 21, 2021 trip to the AT&T store, at issue in this Petition – Petitioner was provided with the Incident Report on June 22, 2021, and thereafter remained on site at the RRC. Hayden Decl. ¶ 7; Pet. ¶ 23. On June 25, 2021, Petitioner was provided with a form detailing her rights at a disciplinary hearing, *inter alia*, the right to be represented by an RRC staff member and to call witnesses and present documentary evidence in her defense. *See* Hayden Decl. ¶ 8 & Exhibit C (Inmate Rights at Center Disciplinary Committee Hearing (RRC's) for Nordia Tompkins (Reg. No. 77676-054)). On June 28, 2021, Petitioner was provided with notice that her disciplinary hearing could be scheduled for that same day provided she waive the 24-hour notice requirement. *Id.* ¶ 9 & Exhibit D (Form BP-A0207 Notice of Center Discipline Committee Hearing). Petitioner elected to waive the notice requirement. *Id.* ¶ 9 & Exhibit E (Waiver of 24 Hour Notice for Nordia Tompkins(Reg. No. 77676-054)).

Petitioner participated in a hearing before the Bronx Community Reentry Center's Center Disciplinary Committee ("CDC") on June 28, 2021. Hayden Decl. ¶ 10 & Exhibit F (Center Discipline Committee Report for Nordia Tompkins (Reg. No. 77676-054)). Petitioner was offered the assistance of a staff representative and the opportunity to present witnesses to testify on her behalf, both of which she declined. *See id.* ¶ 10 & Exhibits D (Hearing Notice), F (CDC Report). Petitioner was also afforded an opportunity to provide documentary evidence on her behalf, and did submit a written statement to the CDC. *See id.* ¶ 10 & Exhibits F (CDC Report), G (Petitioner's Written Statement dated June 28, 2021). *Inter alia*, Petitioner wrote: "I made a bad call and decided to stop at an AT&T store to have my phone fixed, thinking it wouldn't be a terrible thing to do because the location as in route to my residence. I did mention to a facility

member that I was going to stop to try to fix it, unfortunately that bad decision cost me this incident report." *Id.* at Exhibit G (Written Statement).

At the conclusion of the June 28, 2021 disciplinary hearing, Petitioner was provided with a written report detailing the CDC's findings and proposed sanction: a 14-day loss of privileges (aka "loss of good time"). Hayden Decl. ¶ 10 & Exhibit F (CDC Report).

D. DHO Certification of CDC Hearing And Proposed Sanction

In those situations where it becomes necessary for RRC staff to hold an inmate accountable through the BOP's disciplinary program, as was the case with Petitioner, RRC staff's actions are reviewed by a BOP Disciplinary Hearing Officer ("DHO") to ensure compliance with BOP policy and the due process requirements set forth in *Wolff v. McDonnell*, 418 U.S. 539 (1974). This process is known as "DHO certification." Hayden Decl. ¶¶ 5, 11. DHO certification was performed in this case by DHO Nichole Hayden. *Id.* ¶ 11 & Exhibit H (Checklist for CDC Certification for Nordia Tompkins (Reg. No. 77676-054), dated July 8, 2021).

DHO Hayden was provided with the disciplinary record in this matter, reviewed the same, and concluded that staff at the RRC substantially complied with BOP policy, with one exception: the proposed "loss of good time" sanction. Hayden Decl. ¶ 11. This sanction was in fact appropriate for Petitioner, as Petitioner did have three Code 309 violations in the preceding twelve months; however, the Incident Reports for Petitioner's May 6, 2021 (first) and June 10, 2021 (second) Code 309 violations were not included in disciplinary record provided to DHO Hayden and DHO Hayden was not aware at the time of her review that Petitioner had multiple Code 309 Incident Reports in the preceding twelve months, which would make this sanction appropriate. *Id.* Accordingly, DHO Hayden downgraded Petitioner's sanction to a 14-day loss

of privileges while in community custody. *Id.* The sanctions imposed by DHO Hayden did *not* include redesignation to any BOP facility. *Id.*

E. Redesignation To FCI Danbury

The decision to redesignate Petitioner to FCI Danbury was made by BOP's New York Residential Reentry Management Office ("NY RRM"). McFarland Decl. ¶¶ 1, 8. Following Petitioner's third Code 309 violation, and based on Petitioner's most recent documented behavior and repeated failure to comply with RRC rules and regulations, the NY RRM determined Petitioner to be inappropriate for community confinement. *Id.* ¶ 8. Petitioner was returned to secure custody on or about July 6, 2021, for the purposes of redesignation to FCI Danbury to serve the remainder of her federal sentence in a facility commensurate with her security and programming needs. *Id.*

F. The Instant Petition And Subsequent Events

Petitioner filed the instant Petition on March 2, 2022.

On March 21, 2022, the NY RRM approved Petitioner to return to custody in the community. Barring unforeseen circumstance, in late May, 2022, Petitioner will furlough to an RRC in New York to provide her the opportunity to rebuild her ties to the community and reduce the likelihood of program failure during her transition from prison.[3] McFarland Decl. ¶ 9. Assuming Petitioner receives all Good Conduct Time available, her projected release date is December 5, 2022. *Id.*

[3] For security reasons the BOP does not release specific information about an inmate's designation to a RRC, or their transfer status, prior to redesignation. This information can be provided to the court *ex parte* upon request.

II. LAW & ARGUMENT

A. Standard of Review

The "Court reviews a motion to dismiss a habeas petition according to the same principles as a motion to dismiss a civil complaint under Fed. R. Civ. P. 12(b)(6)." *Spiegelmann v. Erfe*, No. 3:17-CV-2069 (VLB), 2018 WL 1582549, at *1 (D. Conn. Mar. 29, 2018); *see also, e.g.*, *Anderson v. Williams*, No. 3:15-CV-1364 (VAB), 2017 WL 855795, at *5-6 (D. Conn. Mar. 3, 2017) (reviewing motion to dismiss Section 2241 petition pursuant to Fed. R. Civ. P. 12(b)(1) and (12)(b)(6)). The Court may consider any of the attachments to Respondents' motion to dismiss, even those not ordinarily considered at this pleading stage, so long as Petitioner is given an opportunity to admit or deny their correctness. The Rules Governing Section 2254 Cases in the United States District Courts ("Habeas Rules"), which may also be applied to a habeas petition brought pursuant to Section 2241 per Rule 1(b), permit the Court to direct that the record be expanded in the event the petition is not dismissed on the pleadings, provided the opposing party is afforded an opportunity to admit or deny the correctness of the additional materials. *See* Habeas Rules 7(a), (c).

To survive a motion to dismiss, the "complaint must 'state a claim to relief that is plausible on its face,'" setting forth "factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Kolbasyuk v. Capital Mgmt. Servs., LP*, 918 F.3d 236, 239 (2d Cir. 2019) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007), and *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). In deciding a Rule 12(b)(6) motion, the court may consider, in addition to the factual allegations of the complaint, "documents appended to the complaint or incorporated in the complaint by reference, and . . . matters of which judicial notice may be taken." *Concord Assocs., L.P. v. Entm't Props. Tr.*, 817

F.3d 46, 51 n.2 (2d Cir. 2016) (internal quotation marks omitted).

B. The Petition Should Be Dismissed

1. Petitioner Was Lawfully Returned to FCI Danbury

The Petition's challenge of Petitioner's redesignation from HC to FCI Danbury fails because it is premised on a fallacy: There is no entitlement to HC or RRC placement in lieu of secure custody. It is well-settled that BOP has the exclusive authority to designate where a federal inmate serves their sentence, to include at an RRC or under HC. This Court does not have the authority to order Petitioner returned to HC. As such, the Petition should be dismissed.

The Fifth Amendment's Due Process Clause does not confer any right upon an inmate to any particular custody or security classification. *See Moody v. Daggett*, 429 U.S. 78, 88 (1976) ("Congress has given federal prison officials full discretion to control [prisoner classification and eligibility for rehabilitative programs in the federal system] . . . and petitioner has no legitimate statutory or constitutional entitlement sufficient to invoke due process"). *See also Fournier v. Zickefoose*, 620 F. Supp. 2d 313, 317 (D. Conn. 2009). The Supreme Court recognizes the power to determine a prisoner's place of imprisonment "rests with the BOP"; *Tapia v. United States*, 564 U.S. 319, 331 (2011), and that "[t]he BOP is the sole agency charged with discretion to place a convicted defendant within a particular treatment program or a particular facility." *Levine v. Apker*, 455 F.3d 71, 83 (2d Cir. 2006). It is considered "well settled that the decision of where to house inmates is at the core of prison administrators' expertise," and the Court does not require prison administrators to conduct hearings before transferring prisoners among facilities "even if life in one prison is much more disagreeable than in another." *McKune v. Lile*, 536 U.S. 24, 39 (2002) (citing *Meachum v. Fano*, 427 U.S. 215, 225 (1976)).

At all times – whether on HC, at the RRC, or in secure custody at FCI Danbury – Petitioner has remained a "prisoner." Although she was in a "community custody" status while designated to HC and supervised by the RRC, Petitioner remained a federal inmate and subject to redesignation to a secure facility if necessary to accommodate her security and programming needs. *See*, *e.g.*, *McGowan v. United States*, 94 F. Supp. 3d 382, 390-91 (E.D.N.Y. 2015), *aff'd*, 825 F.3d 118 (2d Cir. 2016) ("The halfway house is simply one of the facilities operated by the BOP. It is a different kind of imprisonment than maximum security, just as a supermax facility is different than a prison camp, but it is still imprisonment. The restrictions, although less than in some other facilities, remain onerous. Unauthorized departures or failure to return from authorized departures are chargeable as felony escape under federal law, *see* 18 U.S.C. § 751, and punishable by five years of additional imprisonment.").

Courts in our district have held explicitly that authority to redesignate from secure custody to home confinement rests exclusively in the BOP. *See*, *e.g.*, *United States v. Spaulding*, 2021 WL 4691140 at *2 (S.D.N.Y. October 6, 2021); *United States v. Javed*, 2021 WL 2181174, at *4 n.8 (S.D.N.Y. May 27, 2021) (explaining that "the authority to place a prisoner in home confinement rests with the BOP"); *Dov v. Bureau of Prisons*, 2020 WL 3869107 at *3 (S.D.N.Y. July 9, 2020) ("the BOP has the sole discretion to designate [a prisoner's] place of confinement" and "this Court is not the proper forum for Dov to request a recommendation for a home confinement designation"); *United States v. Konny*, 463 F. Supp. 3d 402, 405 (S.D.N.Y. 2020) ("the authority to place a prisoner in home confinement rests with the BOP under 18 U.S.C. § 3624(c)(2), and the discretion to make such an order 'lies solely with the Attorney General.'" (quoting *United States v. Logan*, 2020 WL 2559955, at *2 (W.D.N.C. May 20, 2020) (collecting cases))); *United States v. Olivieri*, 2021 WL 4120544, at *2 n.1 (S.D.N.Y. Sept. 9, 2021) ("To be

clear, the Court is not permitted to release a defendant to home confinement, as that authority is reserved to the BOP under 18 U.S.C. § 3624(c)(2).”). The Second Circuit has yet to rule on this precise issue; however, the court in *United States v. DiBiase* did state that other circuits have held this determination rests solely with the BOP. 857 F. App’x 688, 689-90 (2d Cir. 2021). Tellingly, the *DiBiase* court affirmed the district court’s decision denying the defendant’s request for redesignation to home confinement, stating: “the Supreme Court has recognized that the power to determine a prisoner’s place of imprisonment rests with the BOP.” *Id.* at 690 (citations and internal quotation marks omitted). *See also United States v. Houck*, 2 F.4th 1082, 1085 (8th Cir. 2021) (explaining that “under § 3624(c)(2), the Director of the BOP may place a prisoner in home confinement for the shorter of ten percent of his or her term of imprisonment or six months. The recently passed CARES Act permits the Director of the BOP to extend the period of home confinement permitted under § 3624(c)(2) . . . . Because these statutes give authority to place a prisoner in home confinement to the Director of the BOP, not the district court, the district court correctly held that it did not have authority to change Houck’s place of imprisonment to home confinement under § 3624(c)(2).”).

Petitioner’s redesignation to secure custody was a permissible action, taken after she proved herself incapable of complying with the conditions of community custody through her repeated misconduct; specifically, ***three Code 309 violations in as many months***. *See* McFarland Decl. ¶¶ 5-8 & Exhibits A-D; and discussion in Sec. I.B, E. The Court does not have the authority to substitute its judgment for that of BOP in determining where Petitioner should serve her sentence, and should decline the invitation to do so here. *See DiBiase*, 857 F. App’x at 689-90; *Spaulding*, 2021 WL 4691140 at *2; *Javed*, 2021 WL 2181174, at *4 n.8; *Dov*, 2020 WL 3869107 at *3; *Konny*, 463 F. Supp. 3d at 405; *Olivieri*, 2021 WL 4120544, at *2 n.1.

2. Petitioner Was Afforded Due Process

Even assuming, *arguendo*, that this Court were to review Petitioner's claim, the Petition fails on the merits.

The Petition challenges Petitioner's redesignation from HC to FCI Danbury, resulting from Petitioner's June 21, 2021 misconduct (her third Code 309 offense), as violating Petitioner's Due Process rights. Petitioner's argument fails, first, because it is premised upon a fundamental mischaracterization of events. As a result of her June 21, 2021 misconduct, Petitioner was sanctioned with a 14-day loss of halfway house privileges; this sanction does *not* implicate Due Process protections.[4] *See* Hayden Decl. ¶¶ 5, 11 & Exhibit H. The Petition does not challenge – indeed, it makes no mention of – Petitioner's first two Code 309 offenses: the first on May 6, 2021, *see* McFarland Decl. ¶ 5 & Exhibit B (Form BP-S205.073 Incident Report for Nordia Tompkins (Reg. No. 77676-054), dated May 7, 2021); or the second on June 10, 2021 (*see* McFarland Decl. ¶ 6 & Exhibit C (Form BP-S205.073 Incident Report for Nordia Tompkins (Reg. No. 77676-054), dated June 11, 2021). Petitioner has not disputed the facts of the underlying violations, either with the BOP or in the instant Petition. Nor can she at this late date; these are proven violations, supported by evidence. *See id.*

As to the June 21, 2021 misconduct – the discipline in issue in this Petition – BOP records demonstrate that Petitioner was provided all process due before she was sanctioned. Because"[p]rison disciplinary proceedings are not part of a criminal prosecution, . . . the full

[4] Ordinarily, a 300-level prohibited act does not implicate sanctions in which an inmate has a liberty interest such a loss of good conduct time; these matters are often informally resolved by line staff and sanctions tend toward loss of privileges. However, repeated instances of 300-level misconduct within a 12-month period do allow higher sanctions to be imposed, invoking due process protections to include a disciplinary hearing. Because Petitioner's June 21, 2021 misconduct was the third 300-level incident report received since May 2021, RRC staff commenced the disciplinary hearing process to include providing Petitioner with advance written notice of the infraction, a hearing before the CDC, an opportunity to call witnesses and provide documentary evidence on her behalf, and a written report detailing the CDC's findings and proposed sanctions. *See* Hayden Decl. ¶¶ 5, 7-11 & Exhibits C-H.

panoply of rights due a defendant in such proceedings does not apply." *Wolff v. McDonnell*, 418 U.S. 539, 556 (1974). Only "[c]ertain due process protections . . . apply where disciplinary proceedings may lead to the loss of good time credit," including "advance written notice of the charges," "a fair and impartial hearing officer," "a reasonable opportunity to call witnesses and present documentary evidence," and "a written statement of the disposition, including supporting facts and reasons for the action taken." *Luna v. Pico*, 356 F.3d 481, 487 (2d Cir. 2004). "[I]n the context of such disciplinary proceedings, 'the only process due an inmate is that minimal process guaranteed by the Constitution,'" described above.[5] *Rodriguez v. Lindsay*, 498 F. App'x 70, 71 (2d Cir. 2012) (quoting *Shakur v. Selsky*, 391 F.3d 106, 119 (2d Cir. 2004)).

Inmates serving their sentences in the community (at an RRC or in HC) are subject to the same disciplinary standards as those designated to secure facilities; they do not enjoy greater due process protections as a result of having the privilege of serving their sentence in the community. *Colon v. Tellez*, 2022 WL 521524 (E.D.N.Y Feb. 22, 2022). In reviewing a decision to deliver sanctions in which an inmate has a liberty interest (such as disqualifing an inmate's good-time credits), a court merely considers whether the prison disciplinary board's findings were "supported by some evidence in the record." *Superintendent, Mass. Corr. Inst., Walpole v. Hill*, 472 U.S. 445, 454 (1985); *see also*, *e.g.*, *Washington v. Gonyea,* 538 Fed. App'x. 23, 24 (2d Cir. 2013); *Williams v. Menifee*, 331 F. App'x 59, 60-61 (2d Cir. 2009). This is not an exacting standard. In determining whether the "some evidence" standard is met, it is not necessary for a court to examine the entire record, re-weigh the evidence, or make a credibility determination of witnesses. *Hill*, 472 U.S. at 455-56; *Fuentes v. Warden*, No. 3:14CV1932(JCH), 2015 WL

[5] Of special note in consideration of claims made in this Petition, it is well-settled that an inmate has no right to counsel in a prison disciplinary hearing. *E.g.*, *Carter-Mitchell v. Terrell*, 2017 WL 375634 (E.D.N.Y. Jan. 26, 2017).

3581262 at *3 (D. Conn. June 2, 2015). Rather, "the relevant question is whether there is any evidence in the record that could support the conclusion reached" by the DHO, and "the fundamental fairness guaranteed by the Due Process Clause does not require courts to set aside decisions of prison administrators that have some basis in fact." *Hill*, 472 U.S. at 455-56.

The record of disciplinary proceedings shows all procedural due process requirements were met. On June 22, 2021, Petitioner was given advance written notice of her alleged misconduct, receipt of which she acknowledged by signed and dated form. Hayden Decl. ¶7 & Exhibit B. Petitioner was provided with a notice of her rights at a CDC hearing on June 25, 2021. *Id.* ¶ 8 & Exhibit C. Petitioner's CDC hearing was held on June 28, 2021, more than 24 hours after Petitioner was issued the incident report. *Id.* ¶¶ 9-10 & Exhibits E, F. The disciplinary record establishes that Petitioner was afforded the opportunity "call witnesses and present documentary evidence in [her] defense," and also to request the assistance of a staff member to in preparing for her hearing; she did provide a written statement, but declined the opportunity to call witnesses or have a staff member assist her. *Id.* Exhibits C, D, F, G. At the conclusion of the disciplinary process, Petitioner was provided a written report detailing the facts relied upon by the CDC in finding her to have committed the prohibited act as charged. *Id.* ¶ 10 & Exhibit F.

The process afforded Petitioner comports with the constitutional standards applicable to prison disciplinary proceedings. *See Hill*, 472 U.S. at 455-56. As such, there is no basis in law for this Court to disturb the CDC's finding that Petitioner committed a Code 309 "Violating a Condition of a Community Program" prohibited act on June 21, 2021, nor the sanctions imposed for that misconduct. On these facts, the Petition should be dismissed.

III. CONCLUSION

For all the foregoing reasons, the Petition should be dismissed with prejudice.

RESPONDENTS,
TIMETHEA PULLEN, WARDEN OF FEDERAL CORRECTION INSTITUTE AT DANBURY,
PATRICK MCFARLAND, RESIDENTIAL REENTRY MANAGER, AND
MICHAEL CARVAJAL, DIRECTOR, FEDERAL BUREAU OF PRISONS

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