

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the

NOV 29 2023 PM 1:49
FILED_M - USDC - BPT - CT

AKWUBA, LILIAN

Petitioner

v.

STOVER, Rick

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. _____
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Lilian Akwuba

(b) Other names you have used: _____

2. Place of confinement:

(a) Name of institution: Federal Prison Camp Danbury

(b) Address: 33 1/2 Pembroke Road Route 37

Danbury, CT. 06811

(c) Your identification number: 17368002

3. Are you currently being held on orders by:

Federal authorities State authorities Other - explain:

4. Are you currently:

A pretrial detainee (waiting for trial on criminal charges)

Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

(a) Name and location of court that sentenced you: Alabama District (middle)
Courthouse Montgomery, Alabama

(b) Docket number of criminal case: 2:17-cr-00511

(c) Date of sentencing: May 29th, 2023 2019

Being held on an immigration charge

Other (explain): _____

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Decision or Action You Are Challenging

5. What are you challenging in this petition:

- How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain):

The Bureau of Prison is not calculating my sentence accordingly under the FSA (First Step Act)

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Federal Bureau of Prison Danbury Connecticut

(b) Docket number, case number, or opinion number: 1166254-R1

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): About 208 days have been disallowed from my Federal time credits earned under the First Step Act

(d) Date of the decision or action: August 2023 and Rejection Nov. 6, 2023

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- Yes
- No

(a) If "Yes," provide: Federal Prison Camp B-p 8
 (1) Name of the authority, agency, or court: Mc. Moore Camp Admin. Per Unit team. (informal grievance)

(2) Date of filing: May 9, 2023

(3) Docket number, case number, or opinion number:

(4) Result: denied. Inmate cannot earn FTE Credit while on Writ. In

(5) Date of result: your disallowed days come from when you were on

(6) Issues raised: Writ from 11/24/2021 to 06/13/2022.

on June 7th, 2023. I asked for recalculation of my FTE Credit under the first step Act

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(b) If you answered "No," explain why you did not appeal:

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Federal Bureau of Prison Camp
Mr. Stover (Warden)

(2) Date of filing: 6/8/2023

(3) Docket number, case number, or opinion number: 1166254-F2

(4) Result: Denied

(5) Date of result: 8/1/23

(6) Issues raised: Recalculation of my FTC under First Step Act.
I went on a writ from November 24, 2021 to June
13, 2022, I was excluded from getting Federal time
Credit under First Step Act and it does not make
sense under the exclusion criteria in the FSA. Going
on writ and transferring to another institution does not
exclude one under the Law First Step Act.

(b) If you answered "No," explain why you did not file a second appeal:

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Federal Bureau of Prison
Regional Office.

(2) Date of filing: 8/9/2023

(3) Docket number, case number, or opinion number: 1166254-R1

(4) Result: Rejected

(5) Date of result: November 6, 2023

(6) Issues raised: Recalculation of my FTC under First Step Act
law.

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I filed same August 9, 2023. It was received August 14, 2023 and it was rejected November 6th, 2023. I received it November 21, 2023.

(b) If you answered "No," explain why you did not file a third appeal:

10. Motion under 28 U.S.C. § 2255

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

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(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

Not applicable

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

(a) Date you were taken into immigration custody: _____

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

Not applicable

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(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

Not applicable

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes

No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: I was sentenced on May 29th, 2019 and my time is not being calculated according to the FSA. I went on a Writ on November 24th, 2021 and back on June 13, 2022 and I received no credit while in proper standing under FSA. I was transferred from FBOP Alleville to FBOP Danbury and 6 days were excluded also. Total of 208 about 208 days.

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(a) Supporting facts (Be brief. Do not cite cases or law.):

According to the granting of the FSA credits, time doesn't stop if you are on a writ and still in FSA compliance. I have refused no FSA classes, trainings, programmes neither did I received any disciplinary actions against me. I have maintained minimum custody throughout my incarceration.

(b) Did you present Ground One in all appeals that were available to you?

Yes

No

GROUND TWO:

N/A

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Two in all appeals that were available to you?

Yes

No

GROUND THREE:

N/A

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Three in all appeals that were available to you?

Yes

No

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GROUND FOUR:

N/A

(a) Supporting facts (Be brief. Do not cite cases or law.):

Empty lines for supporting facts.

(b) Did you present Ground Four in all appeals that were available to you?

Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

I believe am missing approximately 208 days earned Federal time credits under FSA by miscalculation of the Bureau of Prison and misinterpretation of the law. please see Yufenyuy v Warden FCI Berlin 22-cv-443-AJ and Hulhui vs. Derr 22-00541.

Request for Relief

15. State exactly what you want the court to do: I am asking the court to have the Bureau of Prisons recalculate my time under the First Step Act. Thank you for your consideration. God Bless.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

November 26, 2023

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 11/26/23



Signature of Petitioner

Signature of Attorney or other authorized person, if any

Y
11/21/23
Gmen

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: NOVEMBER 6, 2023 *pel*

FROM: ADMINISTRATIVE REMEDY COORDINATOR
NORTHEAST REGIONAL OFFICE

TO : LILLIAN AKWUBA, 17368-002
DANBURY FCI UNT: 7 SCP QTR: 002-023L
ROUTE 37
DANBURY, CT 06811

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 1166254-R1 REGIONAL APPEAL
DATE RECEIVED : AUGUST 14, 2023
SUBJECT 1 : OTHER SENTENCE COMPUTATION
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: ALL FOUR PAGES OF YOUR (BP-9) (BP-10) (BP-11) FORM MUST BE LEGIBLE AND WORDED THE SAME. PHOTOCOPIES OF THE FORM WILL NOT BE ACCEPTED.

REJECT REASON 2: SEE REMARKS.

REJECT REASON 3: YOU MAY RESUBMIT YOUR APPEAL IN PROPER FORM WITHIN 10 DAYS OF THE DATE OF THIS REJECTION NOTICE.

REMARKS : PAGE 4 IS NOT LEGIBLE.

REC'D WARDEN DANBURY
NOV 20 2023 PM 12:50

4
8/4/23
Green

LILLIAN AKWUBA, 17368-002
DANBURY FCI UNT: 7 SCP QTR: 002-023L
ROUTE 37
DANBURY, CT 06811



Student Transcript
Real Estate Law Certificate course

Student Lilian I Akwuba 17368002
Address: Satellite Prison Camp
PO Box 487
Aliceville AL 35442

Student Number: 82054655
Enrollment Date: 09/30/2021
Completion Date: 08/09/2022
Status Date: 08/09/2022
Student Status: Graduated

Table with 3 columns: Text/Subject, Date Completed, Grade. Rows include Lesson 1, Real Estate Law Exam #1, Real Estate Law Exam #2, Real Estate Law Exam #3, Real Estate Law Exam #4, Real Estate Law Exam #5, Real Estate Law Exam #6.

Student Average: 96.66% ** FINAL **

This Document Issued: 08/09/2022

Blackstone Career Institute

By: Valerie L. Behne B.S., M.Ed. Registrar



Exhibit "B"

Federal Bureau of Prisons
TRULINCS Account Transactions - Commissary
Personal Inmate Information

Inmate No: 17368002 Inmate Name: AKWUBA, LILLIAN Available Balance: \$280.33

Date	Reference #	Transaction Type	Sender Last name	Amount
12/08/2021	XFRP1221	FRP Quarterly Pymt		-\$300.00
12/08/2021	XIPP1121	Payroll - IPP		\$40.60
12/08/2021	XIPP1121	Pre-Release Transaction		\$0.00

3/9/2022 XFRP0322 \$300 (Withdrawal (FRP))
3/9/22 XFRP0322 27.74

Exhibit A
Evidence

EXHIBIT A

An inmate need not exhaust when circumstances render administrative remedies "effectively unavailable". *Nunes v. Duncan*, 591 F. 3d 1212, 1226 (9th Cir. 2010). In *Ross v. Blake*, the Supreme Court articulated that an inmate was only required to exhaust those grievance procedures "that are capable of use to obtain some relief for the action complained of". 578 U.S. 632, 643, 136 S. Ct. 1850, 195 L.Ed. 2d 117 (2016). *Ross* provided a non-exhaustive list of circumstances where administrative remedies was not capable of use:

1. where the procedure "operates as a simple dead end" because officers are "unable or consistently unwilling to provide any relief to aggrieved inmates";....

Applying these principles, Circuits have found that "when prison officials fail to respond to a prisoner's grievance within a reasonable time, the prisoner is deemed to have exhausted available administrative remedies with in the meaning of PLRA. See *Andres v. Marshall*, 854 F. 3d 1103, 1105 (9th Cir. 2017) *Dole v. Chandler*, 438 F. 3d 804, 809, 811 (7th Cir. 2006).

Akwuba in the current case began the remedy on May 9th, 2023, returned the BP-8 on May 9th, 2023, and was issued a response on June 8th, 2023. Akwuba was not satisfied and continued with the BP-9 that was issued to her on June 8th, 2023, and turned back in on June 8th, 2023. A response from the Warden Mr. Stover dated and signed by him on August 1st 2023 was given to Akwuba by her counselor on August 4th, 2023. Akwuba was not satisfied and continued with the BP-10 that was issued to her on August 4th 2023. Akwuba sent it out and it was received by Regional office by August 14, 2023. A response was not received until November 21, 2023 with rejection that page 4 of the form was not legible and could be resubmitted within 10 days of the rejection notice. This rejection notice came in more than 90 days since the Regional office received the appeal, and more than 180 days since the administrative remedy was started.

Therefore the Akwuba deems the PLRA exhausted and seeks the Courts to grant her request. Thank you.

LILIAN AKWUBA
#17368002

FSA Time Credit Assessment

Register Number:17368-002, Last Name:AKWUBA

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Register Number....: 17368-002
 Inmate Name
 Last.....: AKWUBA
 First.....: LILLIAN
 Middle.....:
 Suffix.....:
 Gender.....: FEMALE
 Start Incarceration: 09-09-2019

Responsible Facility: ALI
 Assessment Date.....: 01-19-2023
 Period Start/Stop...: 09-09-2019 to 01-19-2023
 Accrued Pgm Days....: 1028
 Disallowed Pgm Days.: 200
 FTC Towards RRC/HC..: 15
 FTC Towards Release.: 365
 Can Apply FTC.....: Yes

Start Stop Pgm Status Pgm Days
 09-09-2019 11-25-2021 accrue 808
 Accrued Pgm Days....: 808
 Carry Over Pgm Days: 0
 Time Credit Factor.: 10
 Time Credits.....: 260

Start Stop Pgm Status Pgm Days
 11-25-2021 02-25-2022 disallow 92
 Not in qualifying admit status
Facility Category Assignment Start Stop
 ALI ARS FED WRIT 11-24-2021 1022 06-13-2022 1447
 9-T ARS A-ADMIT 11-24-2021 1122 03-24-2022 0530

Start Stop Pgm Status Pgm Days
 02-25-2022 06-13-2022 disallow 108
 Not in qualifying admit status
Facility Category Assignment Start Stop
 ALI ARS FED WRIT 11-24-2021 1022 06-13-2022 1447
 9-T ARS A-ADMIT 11-24-2021 1122 03-24-2022 0530
 9-T ARS RELEASE 03-24-2022 0530 03-24-2022 0530
 P22 ARS A-ADMIT 03 03-24-2022 0530 06-13-2022 1547

Start Stop Pgm Status Pgm Days
 06-13-2022 01-19-2023 accrue 220
 Accrued Pgm Days....: 220
 Carry Over Pgm Days: 28
 Time Credit Factor.: 15
 Time Credits.....: 120

REQUEST FOR ADMINISTRATIVE REMEDY
Part B - Response

Name: Akwuba, Lillian

Admin. Remedy Case #: 1166254-F2

Reg. No.: 17368-002


Unit: Camp

This is in response to your Request for Administrative Remedy, dated June 08, 2023, wherein you are requesting to have your Federal Time Credit's (FTC's) updated to reflect your full amount of FTC's.

First Step Act of 2018 - Time Credits: Procedures for Implementation of 18 U.S.C. § 523.42(a)(6), Page 9: Earning First Step Act Time Credits, "an inmate cannot earn FTCs during pretrial confinement, nor can they earn credits based on a prior incarceration. Further, an inmate cannot earn FTC when not in Bureau custody, including when in U.S. Marshals Service custody prior to arriving at their designated facility, regardless of where they are housed, or once released to their supervised release term."

A review of your arrival status reveals that you were in the custody of the U.S. Marshal Service for a Writ from November 24, 2021, through June 13, 2022. On June 13, 2022, your arrival status changed from Federal Writ to designation to FCI Aliceville. You arrived at FCI Aliceville on June 13, 2022. You were not eligible for FTC's to be applied until you are at your designated facility. Accordingly, your Request for Administrative Remedy is denied.

If you are not satisfied with this decision, you may appeal to the Regional Director at Bureau of Prisons, Northeast Regional Office, U.S. Customs House, 7th Floor, 2nd and Chestnut Streets, Philadelphia, Pennsylvania, 19106. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.



R. Stover, Warden

8/1/23

Date

FEDERAL CORRECTIONAL INSTITUTION
DANBURY, CONNECTICUT
INFORMAL RESOLUTION

Inmate Name: Lilian Abwuba Reg. No. 17368002
Unit: B Date: 5/9/2023

NOTICE TO INMATE: You are advised that normally prior to filing a Request for Administrative Remedy, BP-229(13), you must attempt to informally resolve your complaint through your Correctional Counselor. Please follow the three steps listed below:

1. State your complaint: I have 900 disallowed days. I am not supposed to have any days disallowed. I committed on September 9th 2019 and I am supposed to have 24 months. I got 19 months of FTC credit and I am owed 13 months of FTC credit. I am asking for the rest of my time credit applied to me.
2. State what actions you have made to informally resolve your complaint: I started Administrative Remedy in my previous institution in Alleville, and I received my BP-9 few days prior to my being transferred out from Alleville Camp to here at Danbury Camp. I was told my credit cannot be calculated on the Institutional level.
3. State what resolution you expect: I need my 10 months owed given back to me. I am short 361 days. I would like for all my First Step Act time credit given back to me. Thank you so much.

Inmate's Signature: [Signature] Date: 5/9/2023

4. Correctional Counselor's Comments (Steps Taken to Resolve): per Unit Team

Abwuba: Inmates cannot earn FTC credit while on Writ. In your case, your disallowed days come from when you were on Writ from 11-24-2021 to 06-13-2022.

5. Informal Resolution WAS / WAS NOT accomplished. (Circle One)

Reman
Correctional Counselor
Date: 6/7/23


Reman
Unit Manager
Date: 6/7/23

	BP-8 ISSUED	BP-8 RETURNED	BP-9 ISSUED	BP-9 RETURNED	REMEDY CLERK
DATE	<u>5/19/23</u>	<u>5/19/23</u>	<u>6/8/23</u>	<u>6/8/23</u>	
TIME	<u>2:23pm</u>	<u>5:00pm</u>	<u>11:00am</u>	<u>12pm</u>	
COUNSELOR	<u>Reman</u>	<u>Reman</u>	<u>Reman</u>	<u>Reman</u>	

Type, or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Akwuba Lilian I 17368002 B FPC Danbury
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

I have 200 disallowed days from going to Court November 20th 2021 to June 13th 2022. However I was in school taking College Correspondence Course even when I was at the County. I graduated from the Course in ~~September~~ ^{IA August} 2022. I am not supposed to have any days disallowed for BOP was taking money from my account for my FRP (Financial Responsibility) during the time I was on writ. BOP should not be picking and choosing when to allow credits for the statute did not say that. Please I am reaching out to you and asking for this to be remedied.
 6/8/23 DATE Thank you and God bless  see exhibits
 SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 1166254-PT

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)



Federal Bureau of Prisons

8/14/23

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Akwaba, Lilian -1. 17368002 B FPC Danbury
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL

I am reaching out to you in regards to my 200 disallow days. I went on a federal writ on November 24th, 2021 from FPC Aliceville where I was designated. I came back June 13th, 2022. I was disallowed 200 days wrongly. First according to Final rules Fed. Register vol. 87, NO. 12, Jan. 19, 2022 section 523-41 (c) (4) (iii) "successful participation" means being able to participate successfully in Evidenced based Recidivism and/or Productive Activity. An inmate will generally not be considered to be "successfully participating" in certain situations. However, I was successfully participating by evidenced of my post secondary College Correspondence education. I was enrolled in September 30, 2021, while I was on writ, I was programming at the County Jail for my attorney brought me my school books I graduated August 9, 2022. I have a certificate of completion. Secondly, while on writ my money for FEP was being taken quarterly and should never happen if am not in my designated place. please I am asking for my credits to be given back to me. Thank you and God bless

DATE

8/9/2023

SIGNATURE OF REQUESTOR

[Signature]

Part B - RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 11111254R

Part C - RECEIPT

CASE NUMBER: _____

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

