

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1331

RANDO SAAVEDRA-RAMIREZ,
Appellant

v.

WARDEN LORETTO FCI

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil Action No. 3:25-cv-00078)
District Judge: Honorable Nora B. Fischer

Submitted Pursuant to Third Circuit L.A.R. 34.1(a)
October 8, 2026

Before: MATEY, MONTGOMERY-REEVES, and NYGAARD, *Circuit Judges*

(Opinion filed: October 9, 2026)

OPINION*

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

PER CURIAM

Rando Saavedra-Ramirez appeals pro se from the decision of the United States District Court for the Western District of Pennsylvania (“the WDPA”) denying his habeas petition filed pursuant to 28 U.S.C. § 2241. For the reasons that follow, we will affirm that judgment.

I.

In 2005, the Department of Homeland Security, acting pursuant to 8 U.S.C. § 1225(b)(1), issued an expedited order of removal against Saavedra-Ramirez, a Mexican citizen who tried to gain admission to the United States by falsely claiming that he was a United States citizen. Despite that order, Saavedra-Ramirez was not subsequently removed from the United States. In 2017, the United States District Court for the Southern District of Texas sentenced him to 210 months in prison and five years of supervised release after he pleaded guilty to possessing with intent to distribute a controlled substance.

Years later, Saavedra-Ramirez argued that he was entitled to time credits to his sentence under a provision of the First Step Act (“FSA”), 18 U.S.C. § 3632(d)(4). But the Federal Bureau of Prisons (“BOP”) determined that he was ineligible to apply FSA time credits to his sentence in view of his order of removal. After Saavedra-Ramirez exhausted his administrative remedies to no avail, and while he was incarcerated at a federal prison in the Western District of Pennsylvania, he filed a pro se habeas petition in the WDPA pursuant to § 2241, challenging the BOP’s denial of FSA credits. The Government opposed the petition, and a United States Magistrate Judge subsequently

issued a report recommending that the WDPa deny the petition as meritless. In January 2026, the WDPa overruled Saavedra-Ramirez’s objections to the report, adopted the report, and denied the petition. This timely appeal followed.

II.

We have jurisdiction over this appeal pursuant to 28 U.S.C. §§ 1291 and 2253(a).¹ We review the WDPa’s denial of Saavedra-Ramirez’s habeas petition de novo. *See Blood v. Bledsoe*, 648 F.3d 203, 206 (3d Cir. 2011) (per curiam).

A federal prisoner is ineligible to apply FSA time credits to his sentence “if [he] is the subject of a final order of removal under any provision of the immigration laws.” 18 U.S.C. § 3632(d)(4)(E)(i). As we noted earlier, an expedited order of removal was issued against Saavedra-Ramirez in 2005. That order was made by an immigration officer and approved by his supervisor, and it was not subject to administrative appeal. *See* 8 U.S.C. § 1225(b)(1)(C). Accordingly, that order is final, *see Riley v. Bondi*, 606 U.S. 259, 267 (2025) (indicating that an order of removal that is not subject to an administrative appeal becomes final immediately upon issuance), and thus we agree with the Government and the WDPa that Saavedra-Ramirez is ineligible to have FSA credits applied to his sentence.

We have carefully considered the various arguments raised in Saavedra-Ramirez’s appellate brief, and none of them warrants disturbing the WDPa’s denial of habeas relief.

¹ Saavedra-Ramirez does not need a certificate of appealability to proceed with this appeal. *See United States v. Cepero*, 224 F.3d 256, 264-65 (3d Cir. 2000) (en banc), *abrogated on other grounds by Gonzalez v. Thaler*, 565 U.S. 134 (2012).

To the extent that he points to § 3632(d)(4)(E)(ii), nothing in that provision undercuts the conclusion that he is ineligible for FSA credits under § 3632(d)(4)(E)(i).² Furthermore, contrary to Saavedra-Ramirez’s contention, the District Judge did not abuse her discretion by presiding over this case.³

In view of the above, we will affirm the WDPA’s judgment.

² Section 3632(d)(4)(E)(ii) refers to removal proceedings under 8 U.S.C. § 1228(a), which are for non-citizens who have been convicted of aggravated felonies. That reference has no bearing on Saavedra-Ramirez, who is already subject to a final order of removal — an order issued pursuant to § 1225, not § 1228.

³ The District Judge has a son who is an Assistant United States Attorney for the Western District of Pennsylvania. But the son never entered his appearance in this case, and there is no indication that the son supervised the Government’s attorney of record or was otherwise involved in this case. Under these circumstances, we cannot conclude that the District Judge abused her discretion by not recusing herself from this case. *See generally In re Kensington Int’l Ltd.*, 353 F.3d 211, 220 (3d Cir. 2003) (“The test for recusal under [28 U.S.C.] § 455(a) is whether a reasonable person, with knowledge of all the facts, would conclude that the judge’s impartiality might reasonably be questioned.”); *Jones v. Pittsburgh Nat’l Corp.*, 899 F.2d 1350, 1356 (3d Cir. 1990) (reviewing recusal decisions for abuse of discretion).