

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1730

LUDWIG CRISS ZELAYA ROMERO,
Appellant

v.

DIRECTOR FEDERAL BUREAU OF PRISONS;
WARDEN LORETTO FCI

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil Action No. 3:24-cv-00270)
District Judge: Honorable Nora B. Fischer

Submitted for Possible Dismissal Pursuant to 28 U.S.C. § 1915(e)(2)(B) or
Summary Action Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
October 15, 2026

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

(Opinion filed: October 30, 2026)

OPINION*

PER CURIAM

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

Ludwig Zelaya Romero appeals pro se from the District Court’s order denying his habeas petition filed pursuant to 28 U.S.C. § 2241. For the reasons that follow, we will summarily affirm that judgment.

In 2021, following his guilty plea to federal drug and firearms offenses, Zelaya Romero was sentenced to a term of imprisonment of 144 months, to be followed by a four-year term of supervised release. On November 5, 2024, the Department of Homeland Security, acting pursuant to 8 U.S.C. § 1225(b)(1), issued an expedited order of removal against Zelaya Romero, a Honduran citizen. On November 15, 2024, Zelaya Romero filed a 28 U.S.C. § 2241 petition asserting that he was entitled to time credits toward his sentence under a provision of the First Step Act (“FSA”), 18 U.S.C. § 3632(d)(4), but that the Federal Bureau of Prisons determined that he was ineligible to apply FSA time credits to his sentence in view of his order of removal. The District Court, adopting the Magistrate Judge’s report and recommendation, denied the petition. This appeal ensued.

We have jurisdiction over this appeal pursuant to 28 U.S.C. §§ 1291 and 2253(a).¹ *See also United States v. Scripps*, 961 F.3d 626, 631 & n.3 (3d Cir. 2020). We review the District Court’s denial of Zelaya Romero’s habeas petition de novo. *See Blood v.*

¹ Zelaya Romero 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).

Bledsoe, 648 F.3d 203, 206 (3d Cir. 2011) (per curiam). We may summarily affirm if the appeal does not present a substantial question. *See Murray v. Bledsoe*, 650 F.3d 246, 247 (3d Cir. 2011) (per curiam); 3d Cir. L.A.R. 27.4; 3d Cir. I.O.P. 10.6.

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). Here, an expedited order of removal was issued against Zelaya Romero in 2024. That order was made by an immigration officer and was approved by the officer’s supervisor. The order 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 District Court’s determination that Zelaya Romero is ineligible to have FSA credits applied.

Accordingly, we will affirm the judgment of the District Court.