

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 20 2026

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

VICENTE W. LADUA,

Petitioner - Appellant,

v.

JASON GUNTHER,

Respondent - Appellee.

No. 25-3683

D.C. No.

2:25-cv-00388-MTL--CDB

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Michael T. Liburdi, District Judge, Presiding

Submitted February 18, 2026\*\*

Before: CALLAHAN, FRIEDLAND, and BRESS, Circuit Judges.

Federal prisoner Vicente W. Ladua appeals pro se from the district court's judgment denying his 28 U.S.C. § 2241 habeas corpus petition. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Gonzalez v. Herrera*, 151 F.4th 1076, 1080 (9th Cir. 2025), and we affirm.

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Ladua contends that he is entitled to the application of First Step Act (FSA) time credits from the date his sentence commenced and regardless of his medium recidivism risk assessment score. As an initial matter, Ladua has not provided any evidence that he participated in programming that would have earned time credits. *See* 18 U.S.C. § 3632(d)(4)(A) (time credits are earned when an inmate “successfully completes evidence-based recidivism reduction programming or productive activities”). Even if he made this showing, however, the FSA unambiguously limits application of earned time credits to those prisoners determined to be a minimum or low risk to recidivate. *See id.* § 3632(d)(4)(C) (time credits are applied to “eligible prisoners”); *id.* § 3624(g)(1) (defining eligible prisoners).

In light of this disposition, we do not address Ladua’s challenges to the Bureau of Prisons’ implementing policies or his reliance on *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024).

**AFFIRMED.**