

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 23 2026

FOR THE NINTH CIRCUIT

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

ALEJANDRO CISNEROS-FLORES,

No. 25-5849

Petitioner - Appellant,

D.C. No.

4:25-cv-00267-RM--MAA

v.

MEMORANDUM\*

WARDEN - Safford F.C.C.,

Respondent - Appellee.

Appeal from the United States District Court  
for the District of Arizona  
Rosemary Márquez, District Judge, Presiding

Submitted February 18, 2026\*\*

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

Federal prisoner Alejandro Cisneros-Flores appeals pro se from the district court's judgment dismissing his petition for a writ of habeas corpus under 28 U.S.C. § 2241. We have jurisdiction under 28 U.S.C § 1291. Reviewing de novo, *see Lane v. Salazar*, 911 F.3d 942, 947 (9th Cir. 2018), 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)*.

Cisneros-Flores seeks restoration of time credits earned under the First Step Act (“FSA”) that he claims the Bureau of Prisons (“BOP”) wrongfully took from him after a prison transfer. However, the record shows, and Cisneros-Flores does not contest, that he was convicted of possessing heroin with intent to distribute in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A)(i), and the sentencing court found he was a leader or organizer of the offense when calculating his offense level. Contrary to Cisneros-Flores’s argument, these circumstances make him ineligible to receive FSA credits. *See* 18 U.S.C. § 3632(d)(4)(D)(lxv) (a prisoner “is ineligible to receive time credits” if the prisoner is serving a sentence under 21 U.S.C. § 841(b)(1) relating to possession with intent to distribute heroin and the sentencing court found that the offender was an organizer or leader of the offense under the Guidelines). Because Cisneros-Flores is statutorily ineligible for FSA time credits, we do not address his argument that the BOP is improperly determining eligibility or his reliance on *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024).

**AFFIRMED.**