

United States Court of Appeals  
For the Eighth Circuit

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No. 24-2318

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Timothy Nesdahl

*Plaintiff - Appellant*

v.

C. Garrett, Warden, FCC Forrest City

*Defendant - Appellee*

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Appeal from United States District Court  
for the Eastern District of Arkansas - Delta

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Submitted: June 16, 2025

Filed: June 23, 2025

[Unpublished]

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Before LOKEN, GRUENDER, and KOBES, Circuit Judges.

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PER CURIAM.

Timothy Nesdahl appeals the district court's<sup>1</sup> denial of his 28 U.S.C. § 2241 petition, which claimed that his right to equal protection had been violated because he was treated more harshly than other inmates who had possessed a cell phone in prison and were not indicted for a contraband offense, and that the Bureau of Prisons improperly aggregated his prior drug sentence and his recent contraband sentence into a single sentence, thereby rendering him ineligible to earn credits under the First Step Act. On appeal, counsel now argues that Nesdahl earned credits before his recent contraband sentence, and he is entitled to have those credits restored.

Following careful review, we conclude that the equal-protection and credit-eligibility claims set forth in Nesdahl's petition in the district court have been forfeited because they were not raised in his counseled brief on appeal. See United States v. Owen, 854 F.3d 536, 541 n.5 (8th Cir. 2017) (issues not raised by counsel on appeal were forfeited); see also United States v. Mink, 9 F.4th 590, 614 n.7 (8th Cir. 2021) (declining to consider pro se issues where appellant had counsel). We further determine that the credit-restoration claim he now raises in his counseled brief was not properly presented below. See Thompson v. United States, 872 F.3d 560, 565 n.5 (8th Cir. 2017) (claim generally cannot be raised for first time on appeal).

Accordingly, we affirm. See 8th Cir. R. 47A(a).

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<sup>1</sup>The Honorable James M. Moody, Jr., United States District Judge for the Eastern District of Arkansas adopting the report and recommendations of the Honorable Joe J. Volpe, United States Magistrate Judge for the Eastern District of Arkansas.