

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
ALABAMA, SOUTHERN DIVISION

Kenneth James Jackson v. State of Alabama, et al.

Jackson v. State of Alabama · No. 2:25-cv-1809-LCB-HNJ · Decided April 3, 2026

SUMMARY

The United States District Court for the Northern District of Alabama adopted a magistrate judge’s Report and Recommendation after no party objected. The court dismissed Kenneth James Jackson’s petition without prejudice, denied his motion to appoint counsel, and directed the clerk to close the case.

CASE DETAILS

|                       |                                                                                                                                                                                               |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of Alabama, Southern Division                                                                                                          |
| WRITING FOR THE COURT | Liles C. Burke                                                                                                                                                                                |
| JURISDICTION          | United States District Court for the Northern District of Alabama, Southern Division                                                                                                          |
| DECIDED               | April 3, 2026                                                                                                                                                                                 |
| DOCKET                | 2:25-cv-1809-LCB-HNJ                                                                                                                                                                          |
| DISPOSITION           | dismissed                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal without prejudice of Jackson's habeas petition and denial of his motion to appoint counsel. |
| STANDARD OF REVIEW    | Clear-error review of unchallenged portions of a magistrate judge's Report and Recommendation; de novo review applies to portions specifically objected to.                                   |
| PRECEDENTIAL VALUE    | unpublished district court order                                                                                                                                                              |

TOPICS

- federal habeas corpus
- post-conviction relief
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief
- civil procedure

## QUESTIONS PRESENTED

1. Whether the district court should accept and adopt the magistrate judge's unchallenged Report and Recommendation after reviewing it for clear error.
2. Whether Jackson's habeas petition should be dismissed without prejudice.
3. Whether Jackson's motion to appoint counsel should be denied.

## HOLDINGS

1. When no party objects to a portion of a magistrate judge's Report and Recommendation, the district court reviews that portion for clear error and may accept, reject, or modify the recommendation.
2. Jackson's habeas petition was dismissed without prejudice.
3. Jackson's motion to appoint counsel was denied.

## KEY QUOTATIONS

*“Having reviewed the proposed findings and recommendations for clear error, the Court concludes that the Magistrate Judge’s Report and Recommendation (Doc. 11) should be ACCEPTED and hereby ADOPTS it as the findings of the Court.”*

## FACTUAL BACKGROUND

Jackson filed a habeas petition against the State of Alabama and other respondents and requested appointment of counsel. The magistrate judge recommended dismissal without prejudice and denial of the motion, and no party objected to the recommendation.

## PROCEDURAL HISTORY

Jackson filed a petition for a writ of habeas corpus and moved for appointment of counsel. Magistrate Judge Herman N. Johnson, Jr. recommended dismissal of the petition without prejudice and denial of appointed counsel. No party objected, so the district court reviewed the unchallenged recommendations for clear error, adopted the Report and Recommendation, dismissed the petition without prejudice, denied the motion to appoint counsel, and directed the clerk to close the case.

## DISPOSITION

dismissed

## CASES CITED

- Haywood v. Green, 695 F. Supp. 3d 1315, 1318 (N.D. Ala. Sept. 27, 2023)

## OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION KENNETH JAMES JACKSON, ) ) Petitioner, ) ) v. ) Case No.: 2:25-cv-1809-LCB-

HNJ ) STATE OF ALABAMA, et al., ) ) Respondent. ) ORDER On February 16, 2026, U.S. Magistrate Judge Herman N. Johnson, Jr., issued a Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1) recommending that the Court dismiss Jackson's petition without prejudice and deny his motion to appoint counsel.

(Doc. 11). No party has objected to the report and recommendation. If a party objects to a portion of a Magistrate Judge's report or proposed findings or recommendations, the district court must review de novo those portions of the report to which the party has specifically objected. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). Any portions of a Magistrate Judge's report that are unchallenged are reviewed for clear error.

Haywood v. Green, 695 F.Supp.3d 1315, 1318 (N.D. Ala. Sept. 27, 2023). In its review, the district court may "accept, reject, or modify, in whole or in part," the Magistrate Judge's findings or recommendations. 28 U.S.C. § 636(b)(1)(C).

Having reviewed the proposed findings and recommendations for clear error, the Court concludes that the Magistrate Judge's Report and Recommendation (Doc. 11) should be ACCEPTED and hereby ADOPTS it as the findings of the Court.

The Court therefore DISMISSES Jackson's petition (Doc. 1) without prejudice and DENIES his Motion to Appoint Counsel (Doc. 7). The Clerk is DIRECTED to close this case. DONE and ORDERED this April 3, 2026. LILES C. BURKE UNITED STATES DISTRICT JUDGE