

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, EASTERN DIVISION AT COLUMBUS

James A.R. Jones v. Warden, Belmont Correctional Institution

Jones v. Warden · No. 2:25-cv-1378 · Decided March 11, 2026

SUMMARY

A United States magistrate judge recommends dismissal of James A.R. Jones’s 28 U.S.C. § 2254 habeas petition for failure to prosecute and as duplicative of a later-filed petition concerning the same state criminal case. The Report and Recommendation explains that Jones did not respond to a filing-fee deficiency notice and instead proceeded in a subsequent habeas action, while advising that he may seek to amend the later petition to add an omitted ground for relief.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division at Columbus
WRITING FOR THE COURT	Peter B. Silvain, Jr.; Sarah D. Morrison
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division at Columbus
DECIDED	March 11, 2026
DOCKET	2:25-cv-1378
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation in a federal habeas corpus action under 28 U.S.C. § 2254.
STANDARD OF REVIEW	The report applied the district court's inherent authority to dismiss civil actions sua sponte for want of prosecution and the authority to dismiss nearly identical habeas petitions as duplicative.
PRECEDENTIAL VALUE	Nonprecedential report and recommendation; not a final adjudication by the district court.
PARTIES	James A.R. Jones v. Warden, Belmont Correctional Institution

TOPICS

- federal habeas corpus
- post-conviction relief
- motions to dismiss
- civil procedure
- pleadings

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Federal civil procedure

QUESTIONS PRESENTED

1. Whether the federal habeas petition should be dismissed for failure to prosecute after the petitioner failed to respond to a filing-fee deficiency notice.
2. Whether the petition should be dismissed as duplicative because the petitioner filed a substantially identical habeas action concerning the same state criminal case.

HOLDINGS

1. The magistrate judge recommended that the action be dismissed because Jones failed to respond to the notice of deficiency and instead pursued a new action.
2. The magistrate judge recommended dismissal because Jones filed a substantially identical habeas petition in another action concerning the same state criminal case.

KEY QUOTATIONS

“District courts have the inherent power to sua sponte dismiss civil actions for want of prosecution to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” (at 2)

FACTUAL BACKGROUND

Jones filed a federal habeas petition relating to an Ohio criminal case. He failed to comply with a notice directing him to pay the filing fee or file an in forma pauperis motion. Instead, he filed a second habeas action concerning the same criminal case, paid the fee in that action, and omitted one ground for relief while updating the procedural history.

PROCEDURAL HISTORY

Jones filed a § 2254 petition on November 24, 2025, concerning Muskingum County Common Pleas Court Case No. CR2022-0201. After the court directed him to pay the filing fee or seek leave to proceed in forma pauperis, he filed a substantially identical habeas action in Case No. 2:26-cv-222, paid the filing fee there, and did not respond to the deficiency notice in this case. The magistrate judge recommended dismissal of this action for failure to prosecute and as duplicative, while noting that Jones could seek to amend the later action to add the omitted ground for relief.

DISPOSITION

other

CASES CITED

- Link v. Wabash R.R., 370 U.S. 626, 630–631 (1962)
- Davis v. United States Parole Comm’n, No. 88-5905, 1989 WL 25837, *1 (6th Cir. March 7, 1989)

- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. Walters, 638 F.2d 947 (6th Cir. 1981)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO EASTERN DIVISION AT COLUMBUS JAMES A.R. JONES,; Case No. 2:25-cv-1378 Petitioner,;: Chief District Judge Sarah D. Morrison vs.: Magistrate Judge Peter B. Silvain, Jr. WARDEN, BELMONT CORRECTIONAL: INSTITUTION,; Respondent.: REPORT AND RECOMMENDATION¹ On November 24, 2025, Petitioner filed the instant 28 U.S.C. § 2254 petition for habeas corpus relief, relating to Muskingum County Common Pleas Court Case No. CR2022-0201.

(Doc. 1). On November 25, 2025, a Notice of Deficiency was issued, directing Petitioner to either pay the \$5.00 filing fee or file a motion to proceed in forma pauperis. (Doc. 2). Instead of responding to the Notice of Deficiency, Petitioner filed a new habeas corpus action, relating to the same criminal case, in which he has paid the filing fee and in which the Court has issued an Order for Answer.

See Jones v. Warden, Case No. 2:26-cv-222 (S.D. Ohio). A review of the petition in that case (Case No. 2:26-cv-222 (Doc. 1)) reveals that the petitions are essentially the same, with Petitioner omitting one ground for relief and updating the procedural history of the case.

As Petitioner has not responded to the Notice of Deficiency in this case but has instead opted to proceed in new Case No. 2:26-cv-222, it is RECOMMENDED that the instant case (No. 2:25-cv-1378) be DISMISSED for failure to prosecute and as duplicative. See Link v. Wabash¹ Attached is a NOTICE to the parties regarding objections to this Report and Recommendation.

R.R., 370 U.S. 626, 630–631 (1962) (“District courts have the inherent power to sua sponte dismiss civil actions for want of prosecution to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.”); Davis v. United States Parole Comm’n, No. 88-5905, 1989 WL 25837, *1 (6th Cir. March 7, 1989) (district courts may dismiss nearly identical habeas petitions as duplicative).

Petitioner may seek to amend the petition in Case No. 2:26-cv-222 to include the omitted ground for relief if he so chooses. IT IS SO RECOMMENDED. March 11, 2026 s/Peter B. Silvain, Jr. Peter B. Silvain, Jr. United States Magistrate Judge 2 PROCEDURE ON OBJECTIONS Pursuant to Fed. R. Civ. P. 72(b), WITHIN 14 DAYS after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.

This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a

memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs.

A party may respond to another party's objections WITHIN 14 DAYS after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). 3