

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Terence Barnwell v. Mr. W. Holzapfel

Barnwell · No. 5:24-cv-00437 · Decided November 24, 2025

SUMMARY

The United States District Court for the Southern District of West Virginia dismisses Terence Barnwell’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 as moot. The court adopts the magistrate judge’s proposed findings and recommendation because no timely objections were filed, noting that Barnwell had been released from custody and had not updated his address.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia
WRITING FOR THE COURT	Frank W. Volk
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	November 24, 2025
DOCKET	5:24-cv-00437
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241. After the assigned magistrate judge recommended dismissal as moot, no objections were filed, and the district court adopted the recommendation and dismissed the petition and action.
STANDARD OF REVIEW	De novo review is required only for portions of a magistrate judge's proposed findings or recommendation to which a timely objection is made. No de novo or other review is required for unobjected-to portions, and general conclusory objections do not require de novo review.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown
PARTIES	Terence Barnwell v. Mr. W. Holzapfel, Warden, FCI Beckley

TOPICS

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

PRACTICE AREAS

Federal habeas corpus

Post-conviction procedure

Civil procedure

QUESTIONS PRESENTED

1. Whether the district court was required to conduct de novo review of the magistrate judge's proposed findings and recommendation when Barnwell filed no objections.
2. Whether the § 2241 habeas petition and action should be dismissed as moot.

HOLDINGS

1. The district court was not required to conduct de novo or other review of the factual or legal conclusions in the magistrate judge's recommendation because Barnwell filed no timely objections.
2. The court adopted the magistrate judge's recommendation and dismissed Barnwell's § 2241 petition as moot, thereby dismissing the action.

KEY QUOTATIONS

“Failure to file timely objections constitutes a waiver of de novo review and the Petitioner’s right to appeal the Court’s order.” (unpaginated order)

“Accordingly, the Court ADOPTS the PF&R [ECF 11], DISMISSES the Petition for a Writ of Habeas Corpus [ECF 2], and DISMISSES the matter.” (unpaginated order)

FACTUAL BACKGROUND

Barnwell filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 while incarcerated at FCI Beckley. The magistrate judge recommended dismissal as moot, and the recommendation was mailed to Barnwell but returned as undeliverable after he had been released from custody. Barnwell did not keep the court apprised of his current address and filed no objections to the recommendation.

PROCEDURAL HISTORY

Barnwell filed a § 2241 habeas petition on August 21, 2024. Magistrate Judge Dwane L. Tinsley issued proposed findings and a recommendation on October 2, 2025, recommending dismissal as moot. Barnwell filed no objections by the October 20, 2025 deadline, so the district court adopted the recommendation and dismissed the petition and matter.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. De Leon-Ramirez, 925 F.3d 177, 181 (4th Cir. 2019)

- Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989)
- Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)

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