

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PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown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)

OPINION

Barnwell

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF WEST VIRGINIA

AT BECKLEY

TERENCE BARNWELL,

Petitioner, v. CIVIL ACTION NO. 5:24-cv-00437

MR. W. HOLZAPFEL,

Warden, FCI Beckley, Respondent.

ORDER

Pending is Petitioner Terence Barnwell's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 [ECF 1], filed August 21, 2024. This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Tinsley filed his PF&R on October 2, 2025. [ECF 13]. Magistrate Judge Tinsley recommended the Court dismiss Mr. Barnwell's Petition for a Writ of Habeas Corpus as moot. The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. See *Thomas v. Arn*, 474 U.S. 140 (1985); see also 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. See 28 U.S.C. § 636(b)(1); see also *United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically "appeal a magistrate judge's findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on October 20, 2025. No objections were filed. Accordingly, the Court ADOPTS the PF&R [ECF 11], DISMISSES the Petition for a Writ of Habeas Corpus [ECF 2], and DISMISSES the matter. The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party. ENTER: November 24, 2025 Gamiwiy Frank W. Volk "ams" Chief United States District Judge ' On October 2, 2025, a copy of the PF&R was mailed to Terence Barnwell at Beckley Federal Correctional Institution but was returned as undeliverable on October

15, 2025. [ECF 14]. At this writing, the Bureau of Prisons' Inmate Locator indicates Mr. Barnwell was released from custody on September 18, 2025. Inasmuch as Mr. Barnwell has failed to keep the Court apprised of his current address as required by Local Rule of Civil Procedure 83.5, this matter is ready for adjudication.

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