

**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

OPINION

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.