

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Marquita Leigh Meredith v. C. Brammer

Meredith · No. 1:23-00395 · Decided April 2, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopted the magistrate judge’s recommendation and dismissed as moot Marquita Leigh Meredith’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court also denied a certificate of appealability and directed the Clerk to remove the case from the active docket.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia
WRITING FOR THE COURT	David A. Faber
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	April 2, 2026
DOCKET	1:23-00395
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Findings and Recommendation recommending dismissal as moot of a 28 U.S.C. § 2241 habeas petition. No party filed objections.
STANDARD OF REVIEW	Absent timely objections to a magistrate judge's findings and recommendation, a party waives the right to de novo review. A certificate of appealability requires a substantial showing of the denial of a constitutional right, including that reasonable jurists could debate the court's assessment of the constitutional claims or its procedural ruling.
PRECEDENTIAL VALUE	unpublished
PARTIES	Marquita Leigh Meredith v. C. Brammer

TOPICS

- federal habeas corpus
- mootness
- appellate procedure
- writ of certiorari
- standard of review

PRACTICE AREAS

federal habeas corpus

post-conviction relief

appellate procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's recommendation to dismiss the § 2241 habeas petition as moot when no party filed timely objections.
2. Whether to grant a certificate of appealability.

HOLDINGS

1. A party that fails to file timely objections waives the right to de novo review of the magistrate judge's Findings and Recommendation.
2. The petition for a writ of habeas corpus under 28 U.S.C. § 2241 was dismissed as moot.
3. A certificate of appealability was denied because the governing standard was not satisfied.

KEY QUOTATIONS

"A certificate will not be granted unless there is "a substantial showing of the denial of a constitutional right."" (2)

FACTUAL BACKGROUND

The opinion concerns Marquita Leigh Meredith's petition for a writ of habeas corpus under 28 U.S.C. § 2241. The magistrate judge recommended dismissal as moot, and the district court adopted that recommendation after no party filed objections.

PROCEDURAL HISTORY

The action was referred to Magistrate Judge Omar J. Aboulhosn under 28 U.S.C. § 636(b)(1)(B). On May 30, 2025, the magistrate judge recommended dismissing the § 2241 petition as moot and removing the case from the docket. After the parties failed to object within the applicable period, the district court adopted the Findings and Recommendation, dismissed the petition as moot, closed the matter, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989)
- Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001)

OPINION

Meredith

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT BLUEFIELD

MARQUITA LEIGH MEREDITH,

Plaintiff,

v. CIVIL ACTION NO. 1:23-00395

C. BRAMMER,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Findings and Recommendation (“PF&R”) on May 30, 2025, in which he recommended that the district court dismiss as moot plaintiff’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 and remove this matter from the court’s docket. In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Aboulhosn’s Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. *Snyder v. Ridenour*, 889 F.2d 1363 (4th Cir. 1989). The parties failed to file any objections to the Magistrate Judge's Findings and Recommendation within the seventeen-day period. Having reviewed the Findings and Recommendation filed by Magistrate Judge Aboulhosn, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby DISMISSES as moot plaintiff’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 and directs the Clerk to remove this case from the court’s active docket. Additionally, the court has considered whether to grant a certificate of appealability. See 28 U.S.C. § 2253(c). A certificate will not be granted unless there is “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). The standard is satisfied only upon a showing that reasonable jurists would find that any assessment of the constitutional claims by this court is debatable or wrong and that any dispositive procedural ruling is likewise debatable. *Miller-El v. Cockrell*, 537 U.S. 322, 336-38 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Rose v. Lee*, 252 F.3d 676, 683-84 (4th Cir. 2001). The court concludes that the governing standard is not satisfied in this instance. Accordingly, the court DENIES a certificate of appealability. 2 The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff and counsel of record. IT IS SO ORDERED this 2nd day of April, 2026. ENTER: David A. Faber Senior United States District Judge

