

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Joey Jeffrey v. St. Mary Correctional Center

Jeffrey · No. 2:26-cv-00070 · Decided May 6, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia dismisses Joey Jeffrey’s § 2254 habeas petition and civil action for lack of jurisdiction. The court concludes that the petition is second or successive under 28 U.S.C. § 2244 because it challenges the same state convictions as an earlier habeas petition, and Jeffrey did not obtain authorization from the court of appeals. The court also notes that his objection to the magistrate judge’s proposed findings and recommendation was nonspecific and confirms that his state sentences ran consecutively.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia
WRITING FOR THE COURT	Joseph R. Goodwin
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	May 6, 2026
DOCKET	2:26-cv-00070
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. After a magistrate judge recommended dismissal for lack of jurisdiction, the district court reviewed the petitioner's objection and adopted the proposed findings and recommendation.
STANDARD OF REVIEW	De novo review of portions of a magistrate judge's proposed findings and recommendation to which specific objection is made under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b)(3). General or nonspecific objections waive de novo review.
PARTIES	Joey Jeffrey v. St. Mary Correctional Center

QUESTIONS PRESENTED

- Whether petitioner's nonspecific objection required de novo review of the magistrate judge's proposed findings and recommendation.

2. Whether the present § 2254 petition was a second or successive petition requiring prior authorization from the appropriate court of appeals under 28 U.S.C. § 2244.
3. Whether the district court had jurisdiction to consider the successive § 2254 petition absent appellate authorization.
4. Whether petitioner's Kanawha County sentences were ordered to run consecutively or concurrently.

HOLDINGS

1. A general or nonspecific objection does not satisfy 28 U.S.C. § 636(b)(1)(C) or Rule 72(b) and waives de novo review.
2. A § 2254 petition challenging the same state convictions after an earlier § 2254 petition was adjudicated is a second or successive petition, and the petitioner must obtain authorization from the appropriate court of appeals before filing it in the district court.
3. The district court lacked jurisdiction to consider the successive § 2254 petition because petitioner had not obtained authorization from the appropriate court of appeals.

KEY QUOTATIONS

“Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an”

FACTUAL BACKGROUND

Petitioner challenged state convictions and sentences through a second federal petition under 28 U.S.C. § 2254. He had previously filed a § 2254 petition challenging the same state convictions, which was denied after the court adopted a magistrate judge's proposed findings and recommendation and granted the respondent's motion for summary judgment. Petitioner did not obtain authorization from the appropriate court of appeals before filing the present petition.

PROCEDURAL HISTORY

The action was referred to Magistrate Judge Dwane L. Tinsley, who issued proposed findings and a recommendation on March 3, 2026, recommending dismissal for lack of jurisdiction. Petitioner filed a letter-form objection. The district court found the objection nonspecific, adopted the proposed findings and recommendation, dismissed the petition and civil action for lack of jurisdiction, and directed that the action be removed from the docket.

DISPOSITION

dismissed