

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, NORFOLK DIVISION

Derek J. Stephens v. Chadwick Dotson

Stephens v. Dotson · No. 2:24cv170 · Decided February 26, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia grants the respondent’s motion to dismiss a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court adopts the magistrate judge’s Report and Recommendation, dismisses the petition with prejudice, enters judgment for the respondent, and declines to issue a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Norfolk Division
WRITING FOR THE COURT	Arenda L. Wright Allen
JURISDICTION	United States District Court for the Eastern District of Virginia, Norfolk Division
DECIDED	February 26, 2026
DOCKET	2:24cv170
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner's 28 U.S.C. § 2254 habeas petition was referred to a magistrate judge, who recommended granting Respondent's motion to dismiss and denying and dismissing the petition with prejudice. Neither party filed objections, and the district court adopted and approved the Report and Recommendation.
STANDARD OF REVIEW	The district court reviewed the magistrate judge's Report and Recommendation under 28 U.S.C. § 636(b)(1)(B)-(C), Federal Rule of Civil Procedure 72(b), and Local Civil Rule 72. The court also applied the substantial-showing standard for a certificate of appealability under 28 U.S.C. § 2253(c).
PRECEDENTIAL VALUE	Unpublished district court final order; precedential status not stated in the source.
PARTIES	Derek J. Stephens v. Chadwick Dotson

TOPICS

federal habeas corpus

post-conviction relief

motions to dismiss

appellate procedure

standard of review

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether Respondent's motion to dismiss the petition for a writ of habeas corpus under 28 U.S.C. § 2254 should be granted.
2. Whether Petitioner made a substantial showing of the denial of a constitutional right sufficient to warrant a certificate of appealability.

HOLDINGS

1. The court granted Respondent's motion to dismiss and denied and dismissed Petitioner's habeas petition with prejudice by adopting and approving the magistrate judge's Report and Recommendation in its entirety.
2. The court declined to issue a certificate of appealability because Petitioner failed to make a substantial showing of the denial of a constitutional right.

FACTUAL BACKGROUND

On August 9, 2005, Petitioner was sentenced in the Circuit Court for the City of Portsmouth to thirty-five years and nine months of incarceration for first-degree murder, use of a firearm in the commission of a felony, grand larceny, and burglary. In his federal habeas petition, he alleged that certain amendments to the Virginia Code violated his federal rights. The district court resolved the petition by adopting the magistrate judge's recommendation to grant the motion to dismiss.

PROCEDURAL HISTORY

Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, and Respondent moved to dismiss. The magistrate judge issued a Report and Recommendation on December 5, 2025, recommending that the motion to dismiss be granted and the petition be denied and dismissed with prejudice. After receiving no objections, the district court adopted the Report and Recommendation, granted the motion, dismissed the petition with prejudice, entered judgment for Respondent, and declined to issue a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division DEREK J. STEPHENS, Petitioner, v. Civil Action No. 2:24cv170 CHADWICK
DOTSON, Respondent. FINAL ORDER Before the Court is a Petition for a Writ of Habeas
Corpus, ECF No. 1, filed pursuant to 28 U.S.C. § 2254, and Respondent's Motion to Dismiss, ECF
No. 15.

On August 9, 2005, Petitioner was sentenced in the Circuit Court for the City of Portsmouth to a
thirty-five year and nine-month term of incarceration for first-degree murder, use of a firearm in
the commission of a felony, grand larceny, and burglary.

In his Petition, the pro se Petitioner alleges that certain amendments to the Virginia Code violate
his federal rights. The matter was referred for disposition to a United States Magistrate Judge
pursuant to 28 U.S.C. §§ 636(b)(1)(B)-(C), Federal Rule of Civil Procedure 72(b), Local Civil
Rule 72, and the April 2, 2002 Standing Order on Assignment of Certain Matters to United States
Magistrate Judges.

In a Report and Recommendation entered on December 5, 2025, ECF No. 18, the Magistrate
Judge recommended the Respondent's Motion to Dismiss be granted, and the Petition be denied
and dismissed with prejudice. The parties were advised of their right to file written objections to
the Report and Recommendation. Neither the Petitioner nor the Respondent filed objections with
the Court.

Having reviewed the record and having heard no objection, the Court agrees with the Report and
Recommendation on the grounds stated by the Magistrate Judge and ADOPTS and APPROVES
the Report and Recommendation, ECF No. 18, in its entirety as the Court's own opinion.

Accordingly, the Respondent's Motion to Dismiss, ECF No. 15, is GRANTED, and the Petition,
ECF No. 1, is DENIED and DISMISSED WITH PREJUDICE. It is ORDERED that judgment be
entered in favor of the Respondent. The Petitioner is hereby notified that he may appeal from the
judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of
the Court at the Walter E. Hoffman United States Courthouse, 600 Granby Street, Norfolk,
Virginia 23510, within thirty (30) days from the date judgment is entered.

Because the Petitioner has failed to demonstrate a substantial showing of the denial of a
constitutional right pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b)
(1), the Court declines to issue a certificate of appealability. See *Miller-El v. Cockrell*, 537 U.S.
322, 335-36 (2003).

The Clerk is DIRECTED to forward a copy of this Order to the Petitioner and counsel of record
for the Respondent. It is so ORDERED. Arenda L. Wright Allen United States District Judge
Norfolk, Virginia February 26, 2026

