

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
WEST VIRGINIA

Jerry Rowell, Jr. v. Warden Rokosky

Rowell · No. 1:24-00436 · Decided January 5, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopts the magistrate judge’s findings and recommendation recommending dismissal of Jerry Rowell, Jr.’s 28 U.S.C. § 2241 habeas petition. The court grants the defendant’s motion to dismiss, removes the case from the active docket, and denies a certificate of appealability.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                              |
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| 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               | January 5, 2026                                                                                                                                                                                                                                                                                                                              |
| DOCKET                | 1:24-00436                                                                                                                                                                                                                                                                                                                                   |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | Petitioner brought a petition for a writ of habeas corpus under 28 U.S.C. § 2241. After the magistrate judge recommended granting the respondent's motion to dismiss, and neither party filed objections, the district court adopted the recommendation, dismissed the petition, closed the case, and denied a certificate of appealability. |
| STANDARD OF REVIEW    | Because neither party objected to the magistrate judge's Findings and Recommendation, the court treated the failure to object as a waiver of de novo review. For a certificate of appealability, the court applied the substantial-showing standard under 28 U.S.C. § 2253(c)(2).                                                            |
| PRECEDENTIAL VALUE    | Unpublished district court memorandum opinion and order; precedential status not stated.                                                                                                                                                                                                                                                     |
| PARTIES               | Jerry Rowell, Jr. v. Warden Rokosky                                                                                                                                                                                                                                                                                                          |

TOPICS

- federal habeas corpus
- motions to dismiss
- post-conviction relief
- appellate procedure
- standard of review

## PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

appellate procedure

## QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Findings and Recommendation and grant the respondent's motion to dismiss the § 2241 habeas petition.
2. Whether to issue a certificate of appealability under 28 U.S.C. § 2253(c).

## HOLDINGS

1. A party's failure to file timely objections waives that party's right to de novo review by the district court.
2. The court adopted the magistrate judge's Findings and Recommendation and granted the respondent's motion to dismiss the petition for a writ of habeas corpus under 28 U.S.C. § 2241.
3. A certificate of appealability should be denied when the petitioner has not made a substantial showing of the denial of a constitutional right, including because reasonable jurists would not debate the court's assessment of the claims or its dispositive procedural ruling.

## KEY QUOTATIONS

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

## FACTUAL BACKGROUND

Jerry Rowell, Jr. filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. The respondent moved to dismiss the petition. The magistrate judge recommended dismissal, and the parties did not object within the prescribed period.

## PROCEDURAL HISTORY

The action was referred to Magistrate Judge Omar J. Aboulhosen under 28 U.S.C. § 636(b)(1)(B). The magistrate judge issued Findings and Recommendation on July 17, 2025, recommending dismissal of the § 2241 petition and removal of the matter from the docket. The parties filed no objections within the allotted seventeen-day period, so the district court adopted the Findings and Recommendation, granted the motion to dismiss, closed the case, 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)

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