

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Ryan Christopher Fultz v. Warden Heckard

Fultz v. Heckard · No. 5:23-cv-00281 · Decided December 18, 2025

SUMMARY

The United States District Court for the Southern District of West Virginia adopts a magistrate judge’s proposed findings and recommendation concerning Ryan Christopher Fultz’s petition for habeas corpus under 28 U.S.C. § 2241. Because no objections were filed, the court dismisses the petition and civil action without prejudice for lack of jurisdiction and directs the Clerk to remove the matter from the active docket.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia
WRITING FOR THE COURT	Thomas E. Johnston
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	December 18, 2025
DOCKET	5:23-cv-00281
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241. After a magistrate judge recommended dismissal without prejudice for lack of jurisdiction, the district court considered the absence of objections and adopted the recommendation.
STANDARD OF REVIEW	No de novo or other review was required for portions of the magistrate judge's PF&R to which no objections were made; general and conclusory objections would also not require de novo review.
PRECEDENTIAL VALUE	unknown
PARTIES	Ryan Christopher Fultz v. Warden Heckard, FCI Beckley

TOPICS

- federal habeas corpus
- subject matter jurisdiction
- post-conviction relief
- waiver
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court could adopt the magistrate judge's PF&R without de novo review when the petitioner filed no objections.
2. Whether the petition and civil action should be dismissed without prejudice for lack of jurisdiction.

HOLDINGS

1. When no timely objections are filed to a magistrate judge's proposed findings and recommendation, the district court is not required to conduct de novo or other review of the unobjected-to factual or legal conclusions, and the failure constitutes a waiver of de novo review and the right to appeal the district court's order.
2. The § 2241 petition and the civil action were dismissed without prejudice for lack of jurisdiction.

KEY QUOTATIONS

“Failure to file timely objections constitutes a waiver of de novo review and Petitioner’s right to appeal this Court’s Order.”

“Accordingly, the Court ADOPTS the PF&R, (ECF No. 14), and DISMISSES WITHOUT PREJUDICE the Petition under 28 U.S.C. § 2241 for Writ of Habeas Corpus, (ECF No. 1), and this civil action for lack of jurisdiction.”

FACTUAL BACKGROUND

Ryan Christopher Fultz filed a petition for habeas corpus under 28 U.S.C. § 2241 against the warden of FCI Beckley. The magistrate judge recommended dismissal without prejudice for lack of jurisdiction, and Fultz filed no objections before the deadline.

PROCEDURAL HISTORY

Fultz filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. The matter was referred to Magistrate Judge Dwane L. Tinsley, who issued a PF&R recommending dismissal without prejudice for lack of jurisdiction. Fultz filed no objections by the October 6, 2025 deadline, so the district court adopted the PF&R and dismissed the petition and civil action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 150 (1985)
- Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989)

- United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984)
- Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)

OPINION

RYAN CHRISTOPHER FULTZ v. WARDEN HECKARD

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BECKLEY DIVISION

RYAN CHRISTOPHER FULTZ,

Petitioner, v. CIVIL ACTION NO. 5:23-cv-00281

WARDEN HECKARD

FCI Beckley, Respondent.

ORDER

Pending before the Court is Petitioner Ryan Christopher Fultz's ("Petitioner") Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. (ECF No. 1). By Standing Order filed on March 30, 2023, this matter was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation ("PF&R"). (ECF No. 14). Magistrate Judge Tinsley filed his PF&R on September 17, 2025, recommending that this Court dismiss without prejudice Petitioner's § 2241 petition and this civil action for lack of jurisdiction. (ECF No. 14.) The Court is not required to 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. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); see also *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a 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 to the PF&R in this case were due on October 6, 2025. (ECF No. 14). To date, no objections have been filed, thus constituting a waiver of de novo review and Petitioner's right to appeal this Court's order. Accordingly, the Court ADOPTS the PF&R, (ECF No. 14), and DISMISSES WITHOUT PREJUDICE the Petition under 28 U.S.C. § 2241 for Writ of Habeas Corpus, (ECF No. 1), and this civil action for lack of jurisdiction. The Clerk is DIRECTED to remove this matter from the Court's active docket. IT IS SO ORDERED. The Court DIRECTS the Clerk to send a copy of this Order to counsel of record and any unrepresented party. ENTER: December 18, 2025

THOMAS E. JOHNSTON

UNITED STATES DISTRICT JUDGE

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