

**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.

OPINION

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