

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Beverly Allen Baker v. Warden

Baker · No. 1:23-00348 · Decided April 2, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopted a magistrate judge’s findings and recommendation and dismissed Beverly Allen Baker’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court also denied a certificate of appealability and directed 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	David A. Faber
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	April 2, 2026
DOCKET	1:23-00348
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner's action under 28 U.S.C. § 2241 was referred to a magistrate judge for proposed findings and recommendation. The magistrate judge recommended dismissal, petitioner filed no objections, and the district court adopted the recommendation, dismissed the petition, and denied a certificate of appealability.
STANDARD OF REVIEW	A party's failure to object to a magistrate judge's findings and recommendation waives the right to de novo review. A certificate of appealability requires a substantial showing of the denial of a constitutional right, including that reasonable jurists could debate the court's assessment of the constitutional claims or a dispositive procedural ruling.
PRECEDENTIAL VALUE	unpublished
PARTIES	Beverly Allen Baker v. Warden

TOPICS

federal habeas corpus

post-conviction relief

appellate procedure

standard of review

waiver

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Appellate procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Findings and Recommendation and dismiss the § 2241 habeas petition when no party filed objections.
2. Whether to issue a certificate of appealability.

HOLDINGS

1. The parties' failure to file timely objections waived their right to de novo review, and the district court adopted the magistrate judge's Findings and Recommendation.
2. The court dismissed the petition for a writ of habeas corpus under 28 U.S.C. § 2241 and directed the Clerk to remove the case from the active docket.
3. A certificate of appealability was denied because the governing standard was not satisfied.

KEY QUOTATIONS

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

FACTUAL BACKGROUND

The opinion contains no substantive facts concerning the underlying habeas claims. It identifies Beverly Allen Baker as the petitioner in an action seeking habeas relief under 28 U.S.C. § 2241.

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 a Findings and Recommendation on January 28, 2026, recommending dismissal of the § 2241 petition. Neither party filed objections within the applicable seventeen-day period, so the district court adopted the Findings and Recommendation, dismissed 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)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA AT BLUEFIELD BEVERLY ALLEN BAKER, Plaintiff, v. CIVIL ACTION NO. 1:23-00348 WARDEN, Defendant. MEMORANDUM OPINION AND ORDER By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B).

Magistrate Judge Aboulhosn submitted to the court his Findings and Recommendation (“PF&R”) on January 28, 2026, in which he recommended that the district court dismiss plaintiff’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 and remove this matter from the court’s docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Aboulhosn’s Findings and Recommendation.

The failure of any party to file such objections constitutes a waiver of such party’s right to a de novo review by this court. *Snyder v. Ridenour*, 889 F.2d 1363 (4th Cir. 1989). The parties failed to file any objections to the Magistrate Judge’s Findings and Recommendation within the seventeen-day period.

Having reviewed the Findings and Recommendation filed by Magistrate Judge Aboulhosn, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby DISMISSES plaintiff’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 and directs the Clerk to remove this case from the court’s active docket. Additionally, the court has considered whether to grant a certificate of appealability.

See 28 U.S.C. § 2253(c). A certificate will not be granted unless there is “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). The standard is satisfied only upon a showing that reasonable jurists would find that any assessment of the constitutional claims by this court is debatable or wrong and that any dispositive procedural ruling is likewise debatable.

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). The court concludes that the governing standard is not satisfied in this instance.

Accordingly, the court DENIES a certificate of appealability. 2 The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff and counsel of record. IT IS SO ORDERED this 2nd day of April, 2026. ENTER: David A. Faber Senior United States District Judge

