

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)

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