

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Jessica Pechtel v. Warden Cutright, FPC Alderson

Pechtel · No. 1:24-00365 · Decided May 19, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopted a magistrate judge’s Findings and Recommendation regarding Jessica Pechtel’s 28 U.S.C. § 2241 petition. The court denied the petition and fee application as moot, dismissed the action, removed it from the docket, and denied a certificate of appealability.

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	May 19, 2026
DOCKET	1:24-00365
DISPOSITION	dismissed
PROCEDURAL POSTURE	Review and adoption of a magistrate judge's proposed findings and recommendation in a 28 U.S.C. § 2241 habeas action; no party filed objections.
STANDARD OF REVIEW	Because no objections were filed to the magistrate judge's findings and recommendation, the parties waived de novo review under 28 U.S.C. § 636(b)(1), consistent with Snyder v. Ridenour. The court reviewed and adopted the findings and recommendation.
PRECEDENTIAL VALUE	Unknown
PARTIES	Jessica Pechtel v. Warden Cutright, FPC Alderson

TOPICS

- federal habeas corpus
- mootness
- appellate procedure
- post-conviction relief

PRACTICE AREAS

- Federal habeas corpus
- Post-conviction relief
- Federal civil procedure

QUESTIONS PRESENTED

1. Whether the plaintiff's petition under 28 U.S.C. § 2241 and application to proceed without prepayment of fees and costs should be denied as moot and the action dismissed.
2. Whether a certificate of appealability should issue.

HOLDINGS

1. A party that fails to file timely objections to a magistrate judge's findings and recommendation waives the right to de novo review by the district court.
2. The plaintiff's § 2241 petition and application to proceed without prepayment of fees and costs were denied as moot, and the civil action was dismissed.
3. A certificate of appealability should not issue because the governing standard was not satisfied.

KEY QUOTATIONS

“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.”

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

FACTUAL BACKGROUND

The plaintiff filed a petition under 28 U.S.C. § 2241 and an application to proceed without prepayment of fees and costs. The magistrate judge recommended denying both as moot. The opinion contains no further material factual findings because the action was resolved on mootness grounds.

PROCEDURAL HISTORY

The action was referred to Magistrate Judge Dwane L. Tinsley under 28 U.S.C. § 636(b)(1)(B). The magistrate judge recommended denying the § 2241 petition and the application to proceed without prepayment of fees as moot and dismissing the action. After the parties failed to file objections within the allotted period, the district court adopted the findings and recommendations, denied the petition and fee application as moot, dismissed the action, denied a certificate of appealability, and directed removal of the case from the active docket.

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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