

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)

OPINION

Pechtel

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT BLUEFIELD

JESSICA PECHTEL,

Plaintiff,

v. CIVIL ACTION NO. 1:24-00365

WARDEN CUTRIGHT, FPC Alderson, Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Tinsley submitted to the court his Findings and Recommendation (“PF&R”) on September 5, 2024, in which he recommended that the district court deny plaintiff’s petition under 28 U.S.C. § 2241 as moot, deny her Application to Proceed Without Prepayment of Fees and Costs as moot, dismiss this civil action, 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 Tinsley’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 Tinsley, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby DENIES plaintiff’s petition under 28 U.S.C. § 2241 as moot, DENIES her Application to Proceed Without Prepayment of Fees and Costs as moot, DISMISSES this civil action, 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. 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 19th day of May, 2026. ENTER: David A. Faber Senior United States District Judge

