

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Timothy James Langford v. Warden Holzapfel

Langford · No. 5:24-cv-00427 · Decided May 4, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopts a magistrate judge's proposed findings and recommendation in a habeas corpus action under 28 U.S.C. § 2241. Because the petitioner filed no objections and failed to prosecute the matter, the court dismisses the action without prejudice under Federal Rule of Civil Procedure 41(b).

OPINION

Langford

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF WEST VIRGINIA

AT BECKLEY

TIMOTHY JAMES LANGFORD,

Petitioner, v. CIVIL ACTION NO. 5:24-cv-00427

WARDEN HOLZAPFEL,

Respondent.

ORDER

Pending is Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 [ECF 1], filed August 19, 2024. This action was previously referred to the Honorable Joseph K. Reeder, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Reeder filed his PF&R on April 6, 2026. [See ECF 9]. Magistrate Judge Reeder recommended that the Court find Petitioner has failed to prosecute this action and dismiss without prejudice pursuant to Federal Rule of Civil Procedure 41(b). [Id. at 4–5]. The Court need not 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. See *Thomas v. Arn*, 474 U.S. 140 (1985); see also 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. See 28 U.S.C. § 636(b)(1); see also *United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically "appeal a magistrate judge's findings

that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct 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 in this case were due on April 23, 2026. No objections were filed. Accordingly, the Court ADOPTS the PF&R [ECF 9] and DISMISSES the matter without prejudice for failure to prosecute pursuant to Rule 41(b). The Court directs the Clerk to transmit a copy of this Order to counsel of record and any unrepresented party. ENTER: May 4, 2026 @ elc Chief United States District Judge