

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
WEST VIRGINIA

Ruben Rodriguez v. Warden Rokosky

Rodriguez · No. 1:23-00527 · Decided December 29, 2025

SUMMARY

The United States District Court for the Southern District of West Virginia adopted a magistrate judge’s recommendation and dismissed Ruben Rodriguez’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 close the case.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                        |
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| 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               | December 29, 2025                                                                                                                                                                                                                                                      |
| DOCKET                | 1:23-00527                                                                                                                                                                                                                                                             |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                              |
| PROCEDURAL POSTURE    | The district court reviewed a magistrate judge's proposed findings and recommendation in a federal habeas action under 28 U.S.C. § 2241. No party filed objections within the prescribed period.                                                                       |
| STANDARD OF REVIEW    | Because no objections were filed, the parties waived de novo review of the magistrate judge's findings and recommendation. The district court reviewed and adopted the recommendation and applied the certificate-of-appealability standard under 28 U.S.C. § 2253(c). |
| PRECEDENTIAL VALUE    | Unknown                                                                                                                                                                                                                                                                |
| PARTIES               | Ruben Rodriguez v. Warden Rokosky                                                                                                                                                                                                                                      |

TOPICS

- federal habeas corpus
- post-conviction relief
- appellate procedure
- standard of review

PRACTICE AREAS

- federal habeas corpus
- civil procedure
- appellate procedure

## QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's findings and recommendation when the parties filed no timely objections.
2. Whether the § 2241 habeas petition should be dismissed and removed from the court's active docket.
3. Whether to issue a certificate of appealability.

## 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 court adopted the magistrate judge's findings and recommendation and dismissed Rodriguez's petition for a writ of habeas corpus under 28 U.S.C. § 2241.
3. A certificate of appealability should not issue because Rodriguez did not make the required substantial showing of the denial of a constitutional right.

## KEY QUOTATIONS

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

## FACTUAL BACKGROUND

Ruben Rodriguez filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 against Warden Rokosky. The opinion does not describe the underlying conviction, sentence, custody, or substantive habeas claims. The magistrate judge recommended dismissal, and neither party objected.

## PROCEDURAL HISTORY

The action was referred to Magistrate Judge Omar J. Aboulhosn under 28 U.S.C. § 636(b)(1)(B). On July 29, 2024, the magistrate judge recommended dismissal of the § 2241 petition and removal of the matter from the docket. After the parties failed to object, the district court adopted the findings and recommendation, dismissed the petition, removed the case from the active docket, 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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