

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Jeffrey Rahim Colberth v. Warden at Lieber Correctional Institution

Colberth · No. 4:26-cv-209-JFA-TER · Decided March 25, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts the Magistrate Judge’s report and recommendation and dismisses Jeffrey Rahim Colberth’s 28 U.S.C. § 2254 habeas petition without prejudice as successive and unauthorized by the Fourth Circuit. The court also denies a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Joseph F. Anderson, Jr.
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	March 25, 2026
DOCKET	4:26-cv-209-JFA-TER
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 after a magistrate judge recommended dismissal as an unauthorized successive petition. No objections were filed to the report and recommendation.
STANDARD OF REVIEW	When no specific objections are made to a magistrate judge's report and recommendation, the district court is not required to conduct de novo review of particular portions or provide an explanation for adopting the recommendation. The court nevertheless reviewed the report and found that it correctly applied the law.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation.
PARTIES	Jeffrey Rahim Colberth v. Warden at Lieber Correctional Institution

TOPICS

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

PRACTICE AREAS

federal habeas corpus

post-conviction relief

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's recommendation when Petitioner filed no objections.
2. Whether the § 2254 petition should be dismissed as an unauthorized successive petition.
3. Whether Petitioner was entitled to a certificate of appealability.

HOLDINGS

1. Because Petitioner filed no specific objections, the district court was not required to conduct de novo review of particular portions of the report or explain its adoption of the recommendation.
2. A successive petition for habeas relief under 28 U.S.C. § 2254 is subject to dismissal when the petitioner has not obtained an order from the appropriate court of appeals authorizing the district court to consider it.
3. A certificate of appealability should be denied because Petitioner failed to make a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

"Consequently, the petition is dismissed without prejudice and without requiring Respondent to file a return."

"It is further ordered that a certificate of appealability is denied because Petitioner has failed to make "a substantial showing of the denial of a constitutional right.""

FACTUAL BACKGROUND

Jeffrey Rahim Colberth filed a petition for habeas corpus under 28 U.S.C. § 2254 while incarcerated at Lieber Correctional Institution. The magistrate judge determined that the petition was successive and had not been authorized by the Fourth Circuit. Colberth did not file objections by the extended deadline.

PROCEDURAL HISTORY

The petition was referred to a magistrate judge for initial review under 28 U.S.C. § 636(b) and the District of South Carolina's local rules. The magistrate judge recommended dismissal because the petition was successive and lacked authorization from the Fourth Circuit. After granting a belated extension of time, the district court found that Petitioner filed no objections, adopted the report and recommendation, dismissed the petition without prejudice without requiring a return from Respondent, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261 (1976)
- Carniewski v. W. Virginia Bd. of Prob. & Parole, 974 F.2d 1330 (4th Cir. 1992)
- Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)
- Miller-El v. Cockrell, 537 U.S. 322, 336 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001)

OPINION

IN THE UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA Jeffrey Rahim Colberth, #244635, C/A No. 4:26-cv-209-JFA-TER Petitioner, v. ORDER Warden at Lieber Correctional Institution, Respondent. Jeffrey Rahim Colberth (“Petitioner”), proceeding pro se, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for initial review. After performing an initial review of the petition pursuant to the Rules Governing Section 2254 Proceedings for the United States District Court, the Magistrate Judge assigned to this action¹ prepared a thorough report and recommendation (“Report”).

(ECF No. 8). Within the Report, the Magistrate Judge opines the Petition is subject to dismissal because it is successive and presented without an order from the Fourth Circuit Court of Appeals authorizing this Court to consider a successive petition.

The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation. ¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.).

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. Mathews v. Weber, 423 U.S. 261 (1976). Petitioner was advised of his right to object to the Report, which was entered on the docket on January 28, 2026. Id. The Magistrate Judge required Petitioner to file objections by February 11, 2026.

Id. Moreover, this court granted a belated request for extension and gave Petitioner until March 9, 2026, to file objections. (ECF No. 13). However, Petitioner failed to file objections and the time for doing so has elapsed.

Thus, this matter is ripe for review. A district court is only required to conduct a de novo review of the specific portions of the Magistrate Judge’s Report to which an objection is made. See 28

U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992).

In the absence of specific objections to portions of the Magistrate's Report, this Court is not required to give an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Here, Petitioner has failed to raise any objections and therefore this Court is not required to give an explanation for adopting the recommendation. A review of the Report indicates that the Magistrate Judge correctly concluded that the petition is subject to dismissal.

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law.

Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 8). Consequently, the petition is dismissed without prejudice and without requiring Respondent to file a return. It is further ordered that a certificate of appealability is denied because Petitioner has failed to make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).?

IT IS SO ORDERED. March 25, 2026 Joseph F. Anderson, Jr. Columbia, South Carolina United States District Judge? A certificate of appealability will not issue absent 'a substantial showing of the denial of a constitutional right.' 28 U.S.C. § 2253(c)(2). A prisoner satisfies this standard by demonstrating that reasonable jurists would find both that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong.

See *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Rose v. Lee*, 252 F.3d 676, 683 (4th Cir. 2001). In the instant matter, the court finds that Petitioner has failed to make "a substantial showing of the denial of a constitutional right."