

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

James Jetton Fletcher v. David Rogers

CIV-25-1289-J · No. CIV-25-1289-J · Decided February 3, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma adopts a magistrate judge’s Report and Recommendation and dismisses James Jetton Fletcher’s 28 U.S.C. § 2254 habeas petition as untimely. The court finds that Fletcher waived appellate review by failing to object and denies a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Bernard M. Jones, II
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	February 3, 2026
DOCKET	CIV-25-1289-J
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. After screening, a magistrate judge recommended dismissal as untimely. The petitioner filed no objection, and the district court adopted the recommendation, dismissed the petition, and denied a certificate of appealability.
STANDARD OF REVIEW	The district court reviewed the magistrate judge's Report and Recommendation after the petitioner failed to object; under the cited authority, the failure to object waived appellate review of the factual and legal issues addressed in the recommendation.
PRECEDENTIAL VALUE	unknown
PARTIES	James Jetton Fletcher v. David Rogers

TOPICS

- federal habeas corpus
- post-conviction relief
- statute of limitations
- appellate procedure
- civil procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

appellate procedure

QUESTIONS PRESENTED

1. Whether the petition should be dismissed as untimely.
2. Whether petitioner's failure to object to the Report and Recommendation waived appellate review of the factual and legal issues addressed in it.
3. Whether petitioner was entitled to a certificate of appealability.

HOLDINGS

1. The petition must be dismissed as untimely.
2. Because petitioner failed to object after being cautioned about the deadline, he waived his right to appellate review of the factual and legal issues addressed in the Report and Recommendation.
3. A certificate of appealability is denied because petitioner failed to make a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“Despite being cautioned that he must file any objection no later than January 23, 2026, see id. at 6, Petitioner did not object and has waived his right to appellate review of the factual and legal issues addressed in the Report and Recommendation.”

“A COA may issue only if the petitioner “has made a substantial showing of the denial of a constitutional right.””

“A petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the district court’s resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.”

FACTUAL BACKGROUND

Petitioner is a state prisoner proceeding pro se who filed a petition for federal habeas relief under 28 U.S.C. § 2254. The magistrate judge determined that the petition was untimely. Petitioner did not object to the recommendation despite receiving a deadline and warning regarding the consequences of failing to object.

PROCEDURAL HISTORY

Petitioner filed a § 2254 habeas petition. The matter was referred to Magistrate Judge Amanda L. Maxfield, who screened the petition and issued a Report and Recommendation recommending dismissal as untimely. Although warned that objections were due by January 23, 2026, petitioner did not object. The district court adopted the Report and Recommendation, dismissed the petition as untimely, denied a certificate of appealability, and stated that a separate judgment would be entered.

DISPOSITION

dismissed

CASES CITED

- Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010)
- Miller-El v. Cockrell, 537 U.S. 322, 327 (2003)

OPINION

Fletcher

PER CURIAM.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF OKLAHOMA

JAMES JETTON FLETCHER,)

) Petitioner,)) v.) Case No. CIV-25-1289-J)

DAVID ROGERS,)

) Respondent.)

ORDER

Petitioner, a state prisoner appearing pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. [Doc. No. 1]. The matter was referred for initial proceedings to United States Magistrate Judge Amanda L. Maxfield consistent with 28 U.S.C. § 636(b)(1)(B), (C). Judge Maxfield screened the Petition and issued a Report and Recommendation recommending that it be dismissed as untimely. [Doc. No. 10]. Despite being cautioned that he must file any objection no later than January 23, 2026, see *id.* at 6, Petitioner did not object and has waived his right to appellate review of the factual and legal issues addressed in the Report and Recommendation. See *Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010). Accordingly, the Court ADOPTS the Report and Recommendation [Doc. No. 10] and DISMISSES the Petition as untimely. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, the Court must issue or deny a certificate of appealability (COA) when it enters a final order adverse to a petitioner. A COA may issue only if the petitioner “has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). “A petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the district court’s resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). Petitioner has failed to make either showing and the Court denies the COA. A separate judgment will be entered. IT IS SO ORDERED this 34 day of February, 2026.

BERNARD M. JONES, II

UNITED STATES DISTRICT JUDGE

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