

**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

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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