

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, NORTHERN DIVISION

Rodney Dewayne Johnson v. Superintendent Brand Huffman

Johnson v. Huffman · No. 3:22-CV-311-CWR-LGI · Decided March 20, 2026

SUMMARY

The United States District Court for the Southern District of Mississippi denied Rodney Dewayne Johnson’s motion to amend his habeas petition. The court concluded that amendment would be futile because the proposed arguments concerning ineffective assistance of counsel had already been addressed in the magistrate judge’s Report and Recommendation. The court adopted the Report and Recommendation and dismissed the case, with a separate final judgment to issue.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Northern Division
WRITING FOR THE COURT	Carlton W. Reeves
JURISDICTION	United States District Court for the Southern District of Mississippi, Northern Division
DECIDED	March 20, 2026
DOCKET	3:22-CV-311-CWR-LGI
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought leave to amend his federal habeas petition after the amendment period as of right had expired. The court also reviewed and adopted a magistrate judge's unobjected-to Report and Recommendation.
STANDARD OF REVIEW	A district court reviews an unobjected-to magistrate judge's Report and Recommendation under the applicable statutory procedure and exercises sound discretion in deciding whether to grant leave to amend.
PRECEDENTIAL VALUE	unpublished
PARTIES	Rodney Dewayne Johnson v. Superintendent Brand Huffman

TOPICS

motion to amend

federal habeas corpus

post-conviction relief

civil procedure

PRACTICE AREAS

federal habeas corpus

civil procedure

post-conviction relief

QUESTIONS PRESENTED

1. Whether Johnson was entitled to amend his petition as a matter of course under Federal Rule of Civil Procedure 15(a)(1).
2. Whether the court should grant leave to amend under Federal Rule of Civil Procedure 15(a)(2) when the proposed amendment repeated arguments already addressed in the Report and Recommendation and would therefore be futile.
3. Whether the court should adopt the magistrate judge's Report and Recommendation when no party filed written objections.

HOLDINGS

1. Johnson could not amend as a matter of course because more than 21 days had elapsed after the relevant pleading and responsive filing, and Respondent had not given written consent.
2. Leave to amend was properly denied because the proposed amendment would be futile.
3. The court adopted the Report and Recommendation because no party submitted written objections.

KEY QUOTATIONS

“This Court determines that amendment would, in fact, be futile because Petitioner’s arguments have been accurately addressed in the Report and Recommendation.”

“This Court, finding that there has been no submission of written objections by any party, hereby adopts said Report and Recommendation as the Order of this Court.”

FACTUAL BACKGROUND

Johnson's petition raised ineffective-assistance-of-counsel arguments. He moved to amend after the petition had been filed, Respondent had answered, and the 21-day period for amendment as a matter of course had expired. The proposed amendment presented the same issues already addressed in the magistrate judge's Report and Recommendation.

PROCEDURAL HISTORY

Johnson filed his petition on June 15, 2022, and Respondent answered on July 21, 2022. The magistrate judge issued a Report and Recommendation on July 18, 2025, addressing Johnson's ineffective-assistance-of-counsel claims; no party filed objections. Johnson later moved to amend on August 18, 2025. The district court denied leave to amend, adopted the Report and Recommendation, dismissed the case, and directed that a separate Final Judgment issue.

DISPOSITION

dismissed

CASES CITED

- Bloom v. Bexar Cnty., Tex., 130 F.3d 722, 727 (5th Cir. 1997)
- Johnson v. Stephens, 617 F. App'x 293, 301 (5th Cir. 2015)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI NORTHERN DIVISION RODNEY DEWAYNE JOHNSON, Petitioner, v. CAUSE NO.: 3:22-CV-311-CWR-LGI SUPERINTENDENT BRAND HUFFMAN, Respondent. ORDER

There are two matters before the Court.

The first matter is pursuant to the Report and Recommendation of the United States Magistrate Judge, which was entered on July 18, 2025. Docket No. 15. The Report and Recommendation notified the parties that failure to file written objections to the findings and recommendations contained therein within 14 days after service would bar further appeal in accordance with 28 U.S.C. § 636(b)(1).

Id. at 18. Parties have filed no written objections to the Magistrate Judge's Report and Recommendation. The second matter is a subsequent motion to amend, filed by Petitioner Rodney Johnson on August 18, 2025. Docket No. 16.

The Court addresses each matter herein, beginning with Petitioner's motion to amend. For the reasons discussed below, Petitioner's motion to amend is denied, and the Court adopts the Report and Recommendation. I. Motion to Amend "A party may amend its pleading once as a matter of course no later than: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed.

R. Civ. P. 15(a)(1). "In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave." Id. at (a)(2). This petition was filed on June 15, 2022. Docket No. 9. Respondent answered on July 21, 2022. Docket No. 12.

Because 21 days have long expired, and because Respondent has not offered express written consent, Petitioner must request leave of the Court to amend his petition. This request is denied. "The decision to grant or deny leave [to amend] is within the sound discretion of the district court." Bloom v. Bexar Cnty., Tex., 130 F.3d 722, 727 (5th Cir. 1997) (citing Fed.

R. Civ. P. 15(a)). District courts "should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). However, "if the district court determines that amendment would be futile... leave to

amend should be denied.” Johnson v. Stephens, 617 F. App'x 293, 301 (5th Cir. 2015) (citations omitted). Petitioner’s motion to amend embraces the same issues raised in his initial petition: specifically, arguing ineffective assistance of counsel.

Compare Motion to Amend, Docket No. 16 with Petition, Docket No. 9 at 25-30. These are the same arguments that were considered in the Report and Recommendation. This Court determines that amendment would, in fact, be futile because Petitioner’s arguments have been accurately addressed in the Report and Recommendation.

To the extent Petitioner intended his motion to object to the Report and Recommendation, it is ineffective for the same reason. II. Report and Recommendation This Court, finding that there has been no submission of written objections by any party, hereby adopts said Report and Recommendation as the Order of this Court.

Accordingly, this case is dismissed. A separate Final Judgment will issue. SO ORDERED, this the 20th day of March, 2026. s/ Carlton W. Reeves UNITED STATES DISTRICT JUDGE