

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
WEST VIRGINIA

Phillip Roberts v. W. Holzapel

Roberts · No. 5:23-cv-00496 · Decided April 2, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopted a magistrate judge’s proposed findings and recommendation in Phillip Roberts’s 28 U.S.C. § 2241 habeas petition. Because Roberts had been released from Bureau of Prisons custody and filed no objections, the court denied the petition as moot and dismissed the matter.

CASE DETAILS

|                    |                                                                                                                                                                                                                                                  |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the Southern District of West Virginia                                                                                                                                                                          |
| JURISDICTION       | United States District Court for the Southern District of West Virginia                                                                                                                                                                          |
| DECIDED            | April 2, 2026                                                                                                                                                                                                                                    |
| DOCKET             | 5:23-cv-00496                                                                                                                                                                                                                                    |
| DISPOSITION        | dismissed                                                                                                                                                                                                                                        |
| PROCEDURAL POSTURE | Petition for a writ of habeas corpus under 28 U.S.C. § 2241; the court reviewed and adopted a magistrate judge's proposed findings and recommendation after no objections were filed.                                                            |
| STANDARD OF REVIEW | Absent timely objections, the district court need not conduct de novo review of the magistrate judge's factual or legal conclusions. General and conclusory objections that do not identify a specific error also do not require de novo review. |
| PRECEDENTIAL VALUE | unpublished district court order                                                                                                                                                                                                                 |
| PARTIES            | Phillip Roberts v. W. Holzapel, Warden, FCI Beckley                                                                                                                                                                                              |

TOPICS

- federal habeas corpus
- post-conviction relief
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief
- civil procedure

## QUESTIONS PRESENTED

1. Whether the district court was required to conduct de novo review of the magistrate judge's PF&R when no objections were filed.
2. Whether Roberts's § 2241 habeas petition should be denied as moot and the action dismissed following his release from BOP custody.

## HOLDINGS

1. The district court was not required to conduct de novo or other review of the portions of the PF&R to which no timely objections were made, and the failure to object waived de novo review and the right to appeal the court's order on those grounds.
2. The petition was moot because Roberts had been released from BOP custody; the court therefore denied the petition as moot and dismissed the action.

## KEY QUOTATIONS

*“Accordingly, the Court ADOPTS the PF&R [ECF 11], DENIES AS MOOT the Petition for a Writ of Habeas Corpus [ECF 1], and DISMISSES the matter.”*

## FACTUAL BACKGROUND

Roberts filed a federal habeas petition while in Bureau of Prisons custody. Before the district court ruled, Roberts was released from BOP custody. The magistrate judge therefore recommended that the petition be denied as moot, and Roberts filed no objections to that recommendation.

## PROCEDURAL HISTORY

Phillip Roberts filed a § 2241 habeas petition on July 24, 2023. The matter was referred to Magistrate Judge Dwane L. Tinsley, who recommended on March 10, 2026, that the petition be denied as moot because Roberts had been released from Bureau of Prisons custody. No objections were filed by the March 27, 2026 deadline, so the district court adopted the PF&R, denied the petition as moot, and dismissed the matter.

## DISPOSITION

dismissed

## CASES CITED

- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. De Leon-Ramirez, 925 F.3d 177, 181 (4th Cir. 2019)
- Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989)
- Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)

## OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF WEST VIRGINIA AT BECKLEY PHILLIP ROBERTS, Petitioner, v. CIVIL ACTION NO. 5:23-cv-00496 W. HOLZAPEL Warden, FCI Beckley, Respondent. ORDER Pending is Petitioner Phillip Roberts' Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 [ECF 1], filed July 24, 2023. This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R").

Magistrate Judge Tinsley filed his PF&R on March 10, 2026. [ECF 11]. Magistrate Judge Tinsley recommended the Court deny as moot Mr. Roberts' petition inasmuch as Mr. Roberts has been released from BOP custody. [Id. at 3].

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. See *Thomas v. Arn*, 474 U.S. 140 (1985); see also 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." (emphasis added)).

Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. See 28 U.S.C. § 636(b)(1); see also *United States v. De Leon- Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically "appeal a magistrate judge's findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.

1989). Further, the Court need not conduct de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on March 27, 2026. No objections were filed.

Accordingly, the Court ADOPTS the PF&R [ECF 11], DENIES AS MOOT the Petition for a Writ of Habeas Corpus [ECF 1], and DISMISSES the matter. The Court directs the Clerk to transmit a copy of this Order to counsel of record and any unrepresented party. ENTER: April 2, 2026 "ams"  
Chief United States District Judge