

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, NORFOLK DIVISION

Ryan O’Neal Davis v. Warden

Davis v. Warden · No. 2:25cv1 · Decided March 27, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia adopts a magistrate judge’s Report and Recommendation and grants the respondent’s motion to dismiss a 28 U.S.C. § 2254 habeas petition. The petition challenging the petitioner’s retrial and resentencing is denied and dismissed with prejudice, judgment is entered for the respondent, and a certificate of appealability is denied.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Norfolk Division
WRITING FOR THE COURT	Arenda L. Wright Allen
JURISDICTION	United States District Court for the Eastern District of Virginia, Norfolk Division
DECIDED	March 27, 2026
DOCKET	2:25cv1
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2254; respondent moved to dismiss, and the matter was decided after adoption of a magistrate judge’s Report and Recommendation without objections.
STANDARD OF REVIEW	The district court reviewed the Report and Recommendation after the parties’ opportunity to object and, absent objections, adopted it after reviewing the record.
PRECEDENTIAL VALUE	Unpublished district court final order; precedential status not stated.
PARTIES	Ryan O’Neal Davis v. Warden

TOPICS

- federal habeas corpus
- post-conviction relief
- appellate procedure
- criminal procedure

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Criminal procedure

QUESTIONS PRESENTED

1. Whether the respondent's motion to dismiss the § 2254 petition should be granted.
2. Whether Davis was entitled to a certificate of appealability.

HOLDINGS

1. The court adopted and approved the magistrate judge's Report and Recommendation, granted the respondent's motion to dismiss, and denied and dismissed the habeas petition with prejudice.
2. The court declined to issue a certificate of appealability because Davis failed to make a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

"Accordingly, the Respondent's Motion to Dismiss, ECF No. 10, is GRANTED, and the Petition, ECF No. 1, is DENIED and DISMISSED WITH PREJUDICE." (Final Order)

FACTUAL BACKGROUND

Davis previously obtained federal habeas relief overturning a first-degree murder conviction. He was retried in the Circuit Court of Sussex County, convicted in 2017, resentenced to life, and subjected to reimposition of a prior suspended sentence from unrelated charges. He then filed this federal habeas petition alleging constitutional violations related to the retrial and resentencing.

PROCEDURAL HISTORY

Davis filed a § 2254 habeas petition challenging constitutional issues arising from his retrial and resentencing in the Circuit Court of Sussex County. The matter was referred to a magistrate judge, who recommended granting the motion to dismiss and denying and dismissing the petition with prejudice. After the objection deadline passed without objections, the district court adopted and approved the Report and Recommendation in its entirety, granted the motion to dismiss, and entered judgment for the respondent.

DISPOSITION

dismissed

CASES CITED

- *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003)

OPINION

Davis

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Norfolk Division

RYAN O'NEAL DAVIS,

Petitioner, v. Civil Action No. 2:25cv1

WARDEN,

Respondent.

FINAL ORDER

Before the Court is a Petition for a Writ of Habeas Corpus, ECF No. 1, filed pursuant to 28 U.S.C. § 2254, and Respondent's Motion to Dismiss, ECF No. 10. Following a successful federal habeas petition overturning a conviction for murder in the first degree, Petitioner was retried in the Circuit Court of Sussex County and convicted in 2017. The trial court resentenced Petitioner to life, and reimposed a prior suspended sentence from unrelated charges. In his Petition, the pro se Petitioner alleges constitutional violations in connection with his retrial and resentencing. The matter was referred for disposition to a United States Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(B)-(C), Federal Rule of Civil Procedure 72(b), Local Civil Rule 72, and the April 2, 2002 Standing Order on Assignment of Certain Matters to United States Magistrate Judges. In a Report and Recommendation entered on January 16, 2026, ECF No. 17, the Magistrate Judge recommended the Respondent's Motion to Dismiss be granted, and the Petition be denied and dismissed with prejudice. The parties were advised of their right to file written objections to the Report and Recommendation. Neither the Petitioner nor the Respondent filed objections with the Court. Having reviewed the record and having heard no objection, the Court agrees with the Report and Recommendation on the grounds stated by the Magistrate Judge and ADOPTS and APPROVES the Report and Recommendation, ECF No. 17, in its entirety as the Court's own opinion. Accordingly, the Respondent's Motion to Dismiss, ECF No. 10, is GRANTED, and the Petition, ECF No. 1, is DENIED and DISMISSED WITH PREJUDICE. It is ORDERED that judgment be entered in favor of the Respondent. The Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of the Court at the Walter E. Hoffman United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date judgment is entered. Because the Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b)(1), the Court declines to issue a certificate of appealability. See *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003). The Clerk is DIRECTED to forward a copy of this Order to the Petitioner and counsel of record for the Respondent. It is so ORDERED. Arenda L. Wright Allen United States District Judge Norfolk, Virginia March 27, 2026 ' On February 26, 2026, the Court granted Petitioner an extension of time to file objections to the Report and Recommendation and set a deadline of March 6, 2026, for Petitioner to file objections. To date, the Court has not received any objections from Petitioner.

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