

**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

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.