

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA

Thomas Joseph James Brink v. Flowerdew

Brink v. Flowerdew · No. 3:25-cv-00332-SLG-MMS · Decided February 2, 2026

SUMMARY

The United States District Court for the District of Alaska adopted a magistrate judge’s recommendation and dismissed Thomas Joseph James Brink’s 28 U.S.C. § 2241 habeas petition without prejudice. The court cited failure to exhaust state remedies and Younger abstention while the petitioner’s state criminal case remained ongoing, and declined to issue a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the District of Alaska
WRITING FOR THE COURT	Sharon L. Gleason
JURISDICTION	United States District Court for the District of Alaska
DECIDED	February 2, 2026
DOCKET	3:25-cv-00332-SLG-MMS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241. After referral, a magistrate judge recommended dismissal without prejudice. No objections were filed, and the district court adopted the Report and Recommendation and dismissed the petition without prejudice.
STANDARD OF REVIEW	Under 28 U.S.C. § 636(b)(1), de novo review is required for portions of a magistrate judge's report to which a party objects; when no objection is made, the statute does not require de novo or other review of the magistrate judge's factual or legal conclusions. The court reviewed the Report and Recommendation and adopted its analysis.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Thomas Joseph James Brink v. Flowerdew

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court was required to conduct de novo review of the magistrate judge's Report and Recommendation when no party filed objections.
2. Whether Brink's § 2241 petition should be dismissed because he had not shown exhaustion of state remedies and Younger abstention applied while his state criminal case was pending.
3. Whether the dismissal should be without prejudice.

HOLDINGS

1. When no party objects to a magistrate judge's factual or legal conclusions, 28 U.S.C. § 636(b)(1) does not require the district court to review those conclusions de novo or under any other specified standard.
2. The § 2241 petition was properly dismissed without prejudice because Brink failed to show exhaustion of state remedies and Younger abstention was appropriate while his state criminal case was ongoing.
3. Dismissal without prejudice was appropriate to allow Brink to refile if he later exhausted his remedies or if his upcoming state trial were unreasonably postponed.

KEY QUOTATIONS

“However, § 636(b)(1) does not “require district court review of a magistrate’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.”” (Opinion text at 1)

“Accordingly, the Court adopts the Report and Recommendation, and IT IS ORDERED that the § 2241 Petition is DISMISSED without prejudice.” (Opinion text at 2)

FACTUAL BACKGROUND

Brink filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 while his state criminal case was ongoing. The record, as summarized by the magistrate judge and adopted by the district court, did not establish that Brink had exhausted available state remedies. The pending state criminal proceedings also supported Younger abstention.

PROCEDURAL HISTORY

Brink filed a § 2241 habeas petition. Magistrate Judge Matthew M. Scoble recommended dismissal because Brink had not shown exhaustion of state remedies and Younger abstention was appropriate while his state criminal case remained pending. No party objected, so the district court reviewed and adopted the recommendation and ordered dismissal without prejudice.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 150 (1985)
- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

OPINION

Brink

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

THOMAS JOSEPH JAMES BRINK,

Petitioner, v. FLOWERDEW, Case No. 3:25-cv-00332-SLG-MMS Respondent.

ORDER OF DISMISSAL

Before the Court at Docket 1 is Petitioner Thomas Joseph James Brink's Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241. The petition was referred to the Honorable Magistrate Judge Matthew M. Scoble. At Docket 4, Judge Scoble issued his Report and Recommendation, in which he recommended that the petition be dismissed without prejudice. No objections to the Report and Recommendation were filed. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge."¹ A court is to "make a de novo determination of those portions of the magistrate judge's report 1 28 U.S.C. § 636(b)(1). or specified proposed findings or recommendations to which objection is made."² However, § 636(b)(1) does not "require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings."³ The Magistrate Judge recommended that the Court dismiss the § 2241 Petition because Petitioner failed to show that he had exhausted his state remedies and, in any event, Younger abstention was proper while Petitioner's state criminal case was ongoing.⁴ Further, the Magistrate Judge recommended that the dismissal be without prejudice so as "to allow Petitioner to refile should he exhaust his remedies at a later date or if his upcoming trial date is unreasonably postponed."⁵ The Court has reviewed the Report and Recommendation and agrees with its analysis. Accordingly, the Court adopts the Report and Recommendation, and IT IS ORDERED that the § 2241 Petition is DISMISSED without prejudice. The Clerk of Court shall enter a final judgment accordingly. A Certificate of Appealability shall not issue because reasonable jurists could not debate whether 2 Id. 3 Thomas v. Arn, 474 U.S. 140, 150 (1985); see also United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003).

⁴ Docket 4 at 4-8.

⁵ Docket 4 at 8.

this petition should have been resolved in a different manner.⁶ Petitioner may request a certificate

of appealability from the Ninth Circuit Court of Appeals. DATED this 2nd day of February, 2026,
at Anchorage, Alaska. /s/ Sharon L. Gleason

UNITED STATES DISTRICT JUDGE

6 28 U.S.C. § 2253(c)(2). See *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (certificate of appealability may be granted only if applicant made a “substantial showing of the denial of a constitutional right,” i.e., a showing that “reasonable jurists could debate whether . . . the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further” (internal quotations and citations omitted)).