

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

Robert Lee Chew v. Chadwick Dotson

Chew · No. 2:25-cv-163 · Decided April 2, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia adopted an unopposed report and recommendation concerning Robert Lee Chew's 28 U.S.C. § 2254 habeas petition. The court granted the respondent's motion to dismiss, denied and dismissed the petition with prejudice, and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Norfolk Division
WRITING FOR THE COURT	Jamar K. Walker
JURISDICTION	United States District Court for the Eastern District of Virginia, Norfolk Division
DECIDED	April 2, 2026
DOCKET	2:25-cv-163
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. The respondent moved to dismiss, and the magistrate judge recommended dismissal with prejudice. The district court adopted the unopposed report and recommendation.
STANDARD OF REVIEW	In the absence of a specific written objection to a magistrate judge's report and recommendation, the district court may adopt the recommendation without conducting de novo review unless it is clearly erroneous or contrary to law.
PRECEDENTIAL VALUE	unpublished district court order; precedential status not stated
PARTIES	Robert Lee Chew v. Chadwick Dotson, Director of the Virginia Department of Corrections

TOPICS

federal habeas corpus

post-conviction relief

motions to dismiss

appellate procedure

standard of review

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the district court could adopt the magistrate judge's report and recommendation without de novo review when neither party filed a timely objection.
2. Whether the respondent's motion to dismiss should be granted and Chew's § 2254 petition denied and dismissed with prejudice.
3. Whether Chew was entitled to a certificate of appealability.

HOLDINGS

1. When no specific written objection is filed, the district court may adopt a magistrate judge's recommendation without de novo review unless the recommendation is clearly erroneous or contrary to law.
2. The respondent's motion to dismiss was granted, and Chew's petition for a writ of habeas corpus was denied and dismissed with prejudice.
3. A certificate of appealability was denied because the basis for dismissal was not debatable and Chew had not made a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“In the absence of a specific written objection, this Court may adopt a magistrate judge’s recommendations without conducting a de novo review, unless the recommendations are clearly erroneous or contrary to law.”

“The petition for a writ of habeas corpus (ECF No. 1) is DENIED and DISMISSED WITH PREJUDICE.”

FACTUAL BACKGROUND

Robert Lee Chew challenged actions taken by state entities through a petition for a writ of habeas corpus under 28 U.S.C. § 2254. The respondent moved to dismiss, and Chew did not respond. The record identifies no specific factual dispute because the district court resolved the matter by adopting the unopposed report and recommendation.

PROCEDURAL HISTORY

Chew filed a petition for a writ of habeas corpus challenging actions taken by state entities. The respondent moved to dismiss, and Chew did not respond. Magistrate Judge Robert J. Krask issued a report and recommendation recommending that the motion be granted and the petition be denied and dismissed with prejudice. Neither party filed objections, and the district court adopted the recommendation after finding no clear error.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140 (1985)
- Carr v. Hutto, 737 F.2d 433 (4th Cir. 1984)
- United States v. Schronce, 727 F.2d 91 (4th Cir. 1984)
- Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)
- Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 316 (4th Cir. 2005)
- Miller-El v. Cockrell, 537 U.S. 322, 335–38 (2003)
- Slack v. McDaniel, 529 U.S. 473, 483–85 (2000)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division ROBERT LEE CHEW, Petitioner, v. Case No. 2:25-cv-163 CHADWICK
DOTSON, Director of the Virginia Department of Corrections, Respondent. ORDER Petitioner
Robert Lee Chew seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254, to challenge actions
taken by state entities.

ECF No. 1. The respondent moved to dismiss the petition, and the petitioner did not respond. ECF
Nos. 12 (motion), 13 (memorandum). Before the Court is an unopposed report and
recommendation, in which the Honorable Robert J. Krask, United States Magistrate Judge,
concluded that the motion to dismiss be granted and the petition be denied and dismissed with
prejudice.

ECF No. 21. Judge Krask advised the parties of their rights to object to his findings and
recommendations and explained that failure to timely object would result in a waiver of appeal
from a judgment of this Court based on such findings and recommendations. ECF No. 21 at 8–9
(citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); Thomas v. Arn, 474 U.S. 140 (1985); Carr v.
Hutto, 737 F.2d 433 (4th Cir.

1984); United States v. Schronce, 727 F. 2d 91 (4th Cir. 1984)). The time to file an objection has
expired, and neither party objected to the report and recommendation. F In the absence of a
specific written objection, this Court may adopt a magistrate judge’s recommendations without
conducting a de novo review, unless the recommendations are clearly erroneous or contrary to law.

See Fed. R. Civ. P. 72(b)(2); Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982) (citations
omitted); Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 316 (4th Cir. 2005). The
Court has reviewed Judge Krask’s findings and recommendations and found no clear error.

Accordingly, the report and recommendation (ECF No. 21) is ADOPTED. The respondent's motion to dismiss (ECF No. 12) is GRANTED. The petition for a writ of habeas corpus (ECF No. 1) is DENIED and DISMISSED WITH PREJUDICE. Finding that the basis for dismissal of the petition is not debatable, and alternatively finding that the petitioner has not made a "substantial showing of the denial of a constitutional right," a certificate of appealability is DENIED.

28 U.S.C. § 2253(c)(A); *Miller-El v. Cockrell*, 537 U.S. 322, 335–38 (2003); *Slack v. McDaniel*, 529 U.S. 473, 483–85 (2000). The petitioner is ADVISED that because the Court has denied a certificate of appealability, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. R. App. P. 22(b). If the petitioner intends to seek a certificate of appealability from the Fourth Circuit, he must do so on or before May 4, 2026.

The petitioner may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. The Clerk's Office is DIRECTED to please provide a copy of this Order to the petitioner. IT IS SO ORDERED. GY /s/ Jamar K. Walker United States District Judge Norfolk, Virginia April 2, 2026