

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Eric Dorsey v. Warden, FCI Beckley

Dorsey · No. 5:25-cv-173 · Decided January 26, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia dismissed Eric Dorsey’s 28 U.S.C. § 2241 habeas petition under Federal Rule of Civil Procedure 41(b) for failure to prosecute after he failed to pay the filing fee or submit an application to proceed without prepayment of fees. The court adopted the magistrate judge’s proposed findings and recommendation, denied without prejudice the motion to waive exhaustion, and granted leave to refile if Dorsey had not received notice of the recommendation.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia
WRITING FOR THE COURT	Frank W. Volk
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	January 26, 2026
DOCKET	5:25-cv-173
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 and moved to waive exhaustion of administrative remedies. After Petitioner failed to pay the filing fee or submit an application to proceed without prepayment, the magistrate judge recommended dismissal for failure to prosecute under Federal Rule of Civil Procedure 41(b).
STANDARD OF REVIEW	No de novo review was required for portions of the magistrate judge's PF&R to which no objections were filed. General and conclusory objections would also not require de novo review.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Eric Dorsey v. Warden, FCI Beckley

TOPICS

- federal habeas corpus
- post-conviction relief
- civil procedure
- waiver
- motions to dismiss

PRACTICE AREAS

federal habeas corpus

civil procedure

post-conviction relief

QUESTIONS PRESENTED

1. Whether the action should be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41(b) after Petitioner failed to pay the filing fee or submit an application to proceed without prepayment despite repeated notices.
2. Whether the court was required to conduct de novo review of the magistrate judge's PF&R when Petitioner filed no objections.
3. Whether Petitioner's motion to waive exhaustion of administrative remedies should be denied without prejudice.

HOLDINGS

1. The district court was not required to conduct de novo review of the magistrate judge's factual or legal conclusions because Petitioner filed no objections.
2. The action was dismissed under Federal Rule of Civil Procedure 41(b) for failure to prosecute.
3. Petitioner's motion to waive the requirement to exhaust administrative remedies was denied without prejudice.

KEY QUOTATIONS

“Accordingly, the Court ADOPTS the PF&R [Doc. 11], DISMISSES this action under Rule 41(b) for failure to prosecute, DENIES WITHOUT PREJUDICE Mr. Dorsey’s Motion to Waive Requirement to Exhaust Administrative Remedies [Doc. 3], and REMOVES the matter from the docket.” (Order)

FACTUAL BACKGROUND

Dorsey filed a § 2241 petition and a motion to waive exhaustion of administrative remedies but did not pay the required \$5 filing fee or submit an application to proceed without prepayment. The court and magistrate judge repeatedly notified him of the deficiency and warned that failure to comply would result in dismissal for failure to prosecute. Notices and the PF&R were remailed after being returned as undeliverable, but Dorsey filed no fee, application, or objections.

PROCEDURAL HISTORY

Dorsey filed a § 2241 petition and a motion to waive exhaustion on March 19, 2025. The magistrate judge repeatedly notified him to pay the filing fee or submit an application to proceed without prepayment, and later issued a PF&R recommending dismissal after he failed to comply. Although notices were remailed after being returned as undeliverable and after Dorsey was transferred to another facility, he filed no fee, application, or objections. The district court adopted the PF&R, dismissed the action under Rule 41(b), denied the exhaustion motion without prejudice, and removed the matter from the docket.

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)

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