

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Marthe Hippolyte v. Warden Cutwright

Hippolyte · No. 1:23-00410 · Decided March 20, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopted a magistrate judge’s findings and recommendation in Marthe Hippolyte’s 28 U.S.C. § 2241 petition. The court denied the petition as moot, dismissed the civil action, removed it from the active docket, and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia
WRITING FOR THE COURT	David A. Faber
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	March 20, 2026
DOCKET	1:23-00410
DISPOSITION	dismissed
PROCEDURAL POSTURE	The action was referred to a magistrate judge for proposed findings and recommendations concerning disposition of the plaintiff's 28 U.S.C. § 2241 petition. The district court reviewed and adopted the unobjected-to PF&R.
STANDARD OF REVIEW	Absent timely objections to a magistrate judge's findings and recommendation, a party waives the right to de novo review. A certificate of appealability requires a substantial showing of the denial of a constitutional right, including that reasonable jurists could debate the assessment of the constitutional claims or the dispositive procedural ruling.
PRECEDENTIAL VALUE	Unknown
PARTIES	Marthe Hippolyte v. Warden Cutwright

TOPICS

- federal habeas corpus
- mootness
- appellate procedure
- standard of review
- post-conviction relief

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Federal civil procedure

QUESTIONS PRESENTED

1. Whether the court should adopt the magistrate judge's findings and recommendation when no party filed timely objections.
2. Whether the plaintiff's § 2241 petition should be denied as moot and the civil action dismissed.
3. Whether to issue a certificate of appealability.

HOLDINGS

1. Because neither party filed timely objections, the parties waived their right to de novo review, and the district court adopted the magistrate judge's findings and recommendation.
2. The court denied the plaintiff's § 2241 petition as moot and dismissed the civil action.
3. The court denied a certificate of appealability because the governing substantial-showing standard was not satisfied.

KEY QUOTATIONS

“A certificate will not be granted unless there is “a substantial showing of the denial of a constitutional right.””

FACTUAL BACKGROUND

The plaintiff filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 against the warden of FPC Alderson. The magistrate judge recommended denial of the petition as moot. No party objected to the recommendation within the prescribed period.

PROCEDURAL HISTORY

Magistrate Judge Dwane L. Tinsley recommended on August 27, 2024, that the § 2241 petition be denied as moot, the civil action be dismissed, and the matter be removed from the docket. Neither party filed objections within the applicable seventeen-day period. The district court adopted the PF&R, denied the petition as moot, dismissed the action, removed it from the active docket, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989)
- Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

- *Rose v. Lee*, 252 F.3d 676, 683-84 (4th Cir. 2001)

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