

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, NORTHERN DIVISION

Cordeyair Brown v. Ward Calhoun

Civil Action No. 3:24-CV-492-DPJ-ASH · No. Civil Action No. 3:24-CV-492-DPJ-ASH · Decided January 27,
2026

SUMMARY

The United States District Court for the Southern District of Mississippi adopted a magistrate judge’s Report and Recommendation in Cordeyair Brown’s 28 U.S.C. § 2241 habeas petition. The court granted the respondent’s motion to dismiss, dismissed the claims concerning the initial appearance and ineffective assistance of counsel with prejudice, and dismissed the speedy-trial claim without prejudice for failure to exhaust.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Northern Division
WRITING FOR THE COURT	Daniel P. Jordan III
JURISDICTION	United States District Court for the Southern District of Mississippi, Northern Division
DECIDED	January 27, 2026
DOCKET	Civil Action No. 3:24-CV-492-DPJ-ASH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Federal habeas corpus petition under 28 U.S.C. § 2241; the respondent moved to dismiss, and the matter was resolved on a magistrate judge's Report and Recommendation after the petitioner filed no objection.
STANDARD OF REVIEW	When no timely objection is filed to a magistrate judge's Report and Recommendation, the district court need only determine whether there is clear error on the face of the record.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is not stated in the opinion.
PARTIES	Cordeyair Brown v. Ward Calhoun

TOPICS

federal habeas corpus

post-conviction relief

speedy trial

ineffective assistance

civil procedure

PRACTICE AREAS

Federal habeas corpus

Federal civil procedure

Criminal procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation when the petitioner filed no timely objection.
2. Whether Brown's claims based on his initial appearance and ineffective assistance of counsel should be dismissed with prejudice.
3. Whether Brown's speedy-trial claim should be dismissed without prejudice for failure to exhaust available remedies.
4. Whether Brown was entitled to an evidentiary hearing.

HOLDINGS

1. When no timely objection is filed, the district court need only satisfy itself that there is no clear error on the face of the record before accepting the recommendation.
2. The petition was dismissed with prejudice as to the claims concerning the initial appearance and ineffective assistance of counsel, and without prejudice as to the speedy-trial claim because Brown failed to exhaust that claim.
3. Brown was not entitled to an evidentiary hearing.

KEY QUOTATIONS

“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”

FACTUAL BACKGROUND

Cordeyair Brown was a pretrial detainee held at the Lauderdale County Detention facility in Meridian, Mississippi. He filed a federal habeas petition raising claims concerning his initial appearance, ineffective assistance of counsel, and denial of a speedy trial. The magistrate judge recommended dismissal of the first two categories with prejudice and dismissal of the speedy-trial claim without prejudice because Brown had failed to exhaust that claim.

PROCEDURAL HISTORY

Brown, a pretrial detainee, filed a § 2241 habeas petition on August 21, 2024. Respondent moved to dismiss on March 18, 2025. Magistrate Judge Andrew S. Harris recommended granting the motion, denying an evidentiary hearing, dismissing the initial-appearance and ineffective-assistance claims with prejudice, and dismissing the speedy-trial claim without prejudice for failure to exhaust. Brown did not object, and the district court reviewed the record for clear error, adopted the recommendation, and ordered dismissal accordingly.

DISPOSITION

dismissed

CASES CITED

- *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc)
- *Alexander v. Verizon Wireless Servs., L.L.C.*, 875 F.3d 243, 248 (5th Cir. 2017)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF MISSISSIPPI NORTHERN DIVISION CORDEYAIR BROWN PETITIONER V. CIVIL ACTION NO. 3:24-CV-492-DPJ-ASH WARD CALHOUN RESPONDENT ORDER Cordeyair Brown, a pretrial detainee held at the Lauderdale County Detention facility in Meridian, Mississippi, filed this petition for a writ of habeas corpus under 28 U.S.C. § 2241 on August 21, 2024.

Pet. [1] at 1. On March 18, 2025, Respondent Ward Calhoun moved to dismiss the petition. Mot. [11]. On January 2, 2026, United States Magistrate Judge Andrew S. Harris entered a Report and Recommendation [15] recommending that the Court (1) grant Respondent Calhoun's motion [11]; (2) deny Brown's request for an evidentiary hearing; (3) dismiss with prejudice Brown's claims based on the initial appearance and ineffective assistance of counsel; and (4) dismiss the speedy-trial claim without prejudice because Brown failed to exhaust.

R&R [15] at 1. Brown did not file an objection, and the time to do so has passed. See *id.* at 6–7 (informing Brown that he had 14 days to file an objection). “When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) advisory committee's note (1983), quoted in *Douglass v. United Servs.*

Auto. Ass'n, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc), superseded on other grounds by 28 U.S.C. § 636(b)(1) as noted in *Alexander v. Verizon Wireless Servs., L.L.C.*, 875 F.3d 243, 248 (5th Cir. 2017). Having reviewed the record and found no clear error, the Court accepts Judge Harris's well-reasoned recommendation. IT IS ORDERED that the Report and Recommendation [15] of United States Magistrate Judge Andrew S. Harris is adopted as the finding and holding of this Court.

Consistent with the Report and Recommendation, Respondent Calhoun's motion [11] is granted, Brown's petition [1] is dismissed with prejudice, except for his claims regarding his right to a speedy trial, which are dismissed without prejudice. A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure. SO ORDERED AND ADJUDGED this the 27th day of January, 2026. s/ Daniel P. Jordan III UNITED STATES DISTRICT JUDGE

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