

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA**

Oscar Combs, Sr. v. Warden, Mt. Olive Correctional Complex

Combs · No. 2:23-cv-00369 · Decided February 2, 2026

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA CHARLESTON DIVISION OSCAR COMBS, SR., Petitioner, v. CIVIL ACTION NO. 2:23-cv-00369 WARDEN, Mt. Olive Correctional Complex, Respondent. MEMORANDUM OPINION AND ORDER Before the Court is Petitioner Oscar Combs’s letter for a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254, and request for the appointment of counsel to represent him under 28 U.S.C. § 2254(h) and 18 U.S.C. § 3006A.

(ECF No. 1.) By Standing Order filed in this case on May 8, 2023, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation (“PF&R”). (ECF No. 4.) Magistrate Judge Tinsley filed his PF&R on November 7, 2025, proposing that this Court find that there is no proper pending § 2254 petition upon which this Court can determine timeliness under AEDPA, hold in abeyance, or from which Petitioner may now amend.

(ECF No. 10.) Magistrate Judge Tinsley also recommended that this Court deny Petitioner’s request for appointment of counsel and dismiss this civil action without prejudice. (Id.) The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed.

Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and Petitioner’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); see also Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir.1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

In addition, this Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R in this case were due on November 24, 2025; to date, no objections have been filed.

Accordingly, the Court ADOPTS the PF&R, (ECF No. 10), FINDS that there is no proper pending § 2254 petition upon which this court can determine timeliness under AEDPA, hold in abeyance,

or from which Petitioner may now amend, DENIES Petitioner's request for appointment of counsel, and DISMISSES WITHOUT PREJUDICE this case from the docket.

The Clerk is DIRECTED to remove this matter from the Court's active docket. IT IS SO ORDERED. The Court DIRECTS the Clerk to send a copy of this Order to counsel of record and any unrepresented party. ENTER: February 2, 2026 GE UNITED STATES DISTRICT JUDGE