

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Jose Luis Chacon-Saldana v. Warden, FCI McDowell

Chacon-Saldana v. Warden · No. 1:23-00526 · Decided April 23, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopted a magistrate judge’s Findings and Recommendation after the parties filed no objections. The court granted the defendant’s motion to dismiss, denied the petitioner’s 28 U.S.C. § 2241 habeas petition, dismissed the action with prejudice, denied a certificate of appealability, and directed removal of the case from the docket.

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	April 23, 2026
DOCKET	1:23-00526
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's proposed findings and recommendation recommending dismissal of the petitioner's 28 U.S.C. § 2241 habeas petition and the respondent's motion to dismiss. No party filed objections.
STANDARD OF REVIEW	A party's failure to object to a magistrate judge's findings and recommendation within the prescribed period waives 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 constitutional assessment or a dispositive procedural ruling.
PRECEDENTIAL VALUE	unpublished
PARTIES	Jose Luis Chacon-Saldana v. Warden, FCI McDowell

TOPICS

- federal habeas corpus
- post-conviction relief
- motions to dismiss
- standard of review
- appellate procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

federal civil procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Findings and Recommendation when the parties filed no objections.
2. Whether the respondent's motion to dismiss should be granted and the petition for a writ of habeas corpus under 28 U.S.C. § 2241 denied.
3. Whether a certificate of appealability should issue.

HOLDINGS

1. The parties' failure to file timely objections waived their right to de novo review, permitting the district court to adopt the Findings and Recommendation.
2. The court adopted the Findings and Recommendation, granted the respondent's motion to dismiss, denied the § 2241 habeas petition, and dismissed the action with prejudice.
3. A certificate of appealability was denied because the petitioner did not satisfy the substantial-showing standard.

KEY QUOTATIONS

“The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court.” (1)

“A certificate will not be granted unless there is “a substantial showing of the denial of a constitutional right.”” (2)

FACTUAL BACKGROUND

The opinion contains no substantive factual discussion of the underlying habeas claims. The petitioner sought habeas relief under 28 U.S.C. § 2241, and the respondent filed a motion to dismiss. The district court adopted the magistrate judge's recommendation without further discussion of the underlying facts.

PROCEDURAL HISTORY

The action was referred to Magistrate Judge Cheryl A. Eifert under 28 U.S.C. § 636(b)(1)(B). The magistrate judge issued a Findings and Recommendation on August 8, 2024, recommending that the motion to dismiss be granted, the § 2241 petition be denied, and the case be dismissed with prejudice. After the parties failed to object within the prescribed period, the district court adopted the Findings and Recommendation, granted the motion to dismiss, denied the petition, dismissed the action with prejudice, 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)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA AT BLUEFIELD JOSE LUIS CHACON-SALDANA, Plaintiff, v. CIVIL ACTION NO. 1:23-00526 WARDEN, FCI McDowell, Defendant. MEMORANDUM OPINION AND ORDER By Standing Order, this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B).

Magistrate Judge Eifert submitted to the court her Findings and Recommendation (“PF&R”) on August 8, 2024, in which she recommended that the district court grant defendant’s motion to dismiss, deny plaintiff’s petition for a writ of habeas corpus under 28 U.S.C. § 2241, dismiss this matter with prejudice, and remove it from the court’s docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Eifert’s Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such party’s 1 right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir.

1989). The parties failed to file any objections to the Magistrate Judge’s Findings and Recommendation within the seventeen-day period. Having reviewed the Findings and Recommendation filed by Magistrate Judge Eifert, the court adopts the findings and recommendations contained therein.

Therefore, the court hereby GRANTS defendant’s motion to dismiss, DENIES plaintiff’s petition for a writ of habeas corpus under 28 U.S.C. § 2241, DISMISSES this matter with prejudice, and directs the Clerk to remove this case from the court’s active docket. Additionally, the court has considered whether to grant a certificate of appealability. See 28 U.S.C. § 2253(c).

A certificate will not be granted unless there is “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). The standard is satisfied only upon a showing that reasonable jurists would find that any assessment of the constitutional claims by this court is debatable or wrong and that any dispositive procedural ruling is likewise debatable.

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). The court concludes that the governing 2

standard is not satisfied in this instance.

Accordingly, the court DENIES a certificate of appealability. The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff and counsel of record. IT IS SO ORDERED this 23rd day of April, 2026. ENTER: David A. Faber Senior United States District Judge