

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Jason Michael Terrell v. United States of America

Terrell · No. Civil Action No. 2:23-00145 · Decided March 17, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopted the magistrate judge’s recommendation and denied Jason Michael Terrell’s motion under 28 U.S.C. § 2255. The court dismissed the civil action, directed the Clerk to remove it from the active docket, and denied a certificate of appealability. No party filed objections to the findings and recommendation.

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 17, 2026
DOCKET	Civil Action No. 2:23-00145
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner's motion under 28 U.S.C. § 2255 was referred to a magistrate judge for findings and recommendation. After no objections were filed, the district court adopted the recommendation, denied the motion, dismissed the action, and denied a certificate of appealability.
STANDARD OF REVIEW	Absent timely objections to a magistrate judge's findings and recommendation, a party waives de novo review. A certificate of appealability requires a substantial showing of the denial of a constitutional right; where claims are rejected on the merits, the petitioner must show that reasonable jurists would find the constitutional assessment debatable or wrong, and where a procedural ruling is dispositive, that reasonable jurists would find the ruling debatable.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion and order
PARTIES	Jason Michael Terrell v. United States of America

TOPICS

federal habeas corpus

post-conviction relief

appellate procedure

standard of review

PRACTICE AREAS

federal post-conviction relief

habeas corpus

criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's findings and recommendation when neither party filed timely objections.
2. Whether Terrell's motion under 28 U.S.C. § 2255 should be denied and the action dismissed.
3. Whether to issue a certificate of appealability under 28 U.S.C. § 2253(c).

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. Terrell's motion under 28 U.S.C. § 2255 was denied, and the action was dismissed.
3. A certificate of appealability was denied because the governing 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.”” (at 2)

FACTUAL BACKGROUND

The source opinion contains no substantive factual discussion of the underlying criminal case or the claims raised in the § 2255 motion. The material procedural facts are that Terrell filed a § 2255 motion, the magistrate judge recommended denial and dismissal, and no party filed timely objections.

PROCEDURAL HISTORY

The action was referred to United States Magistrate Judge Dwane L. Tinsley under 28 U.S.C. § 636(b)(1)(B). The magistrate judge recommended denial of Terrell's § 2255 motion and dismissal of the case. Neither party objected within the prescribed period, so the district court adopted the findings and recommendation, dismissed the action, 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 CHARLESTON JASON MICHAEL TERRELL, Plaintiff, v. CIVIL ACTION NO. 2:23-00145 (Criminal No. 2:20-00154-01) UNITED STATES OF AMERICA, Defendant. MEMORANDUM OPINION AND ORDER By Standing Order, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B).

Magistrate Judge Tinsley submitted to the court his Findings and Recommendation on February 3, 2026, in which he recommended that the court deny plaintiff's motion under 28 U.S.C. § 2255 and dismiss this case from the court's active docket.

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

1989). Neither party filed any objections to the Magistrate Judge's Findings and Recommendations within the requisite time period. Accordingly, the court adopts the Findings and Recommendations of Magistrate Judge Tinsley as follows: 1. Plaintiff's motion under 28 U.S.C. § 2255 is DENIED; 2. This action is DISMISSED; and 3.

The Clerk is directed 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 standard is not satisfied in this instance. Accordingly, the court DENIES a certificate of appealability. 2 The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to counsel of record and unrepresented parties. IT IS SO ORDERED this 17th of March, 2026. ENTER: David A. Faber Senior United States District Judge

