

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Shimika L. Adgerson v. Warden, FPC Alderson

Adgerson · No. 1:24-00394 · Decided May 7, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopted the magistrate judge’s findings and recommendation in Shimika L. Adgerson’s 28 U.S.C. § 2241 petition. The court denied the petition as moot, dismissed the civil action, removed it from the 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	May 7, 2026
DOCKET	1:24-00394
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Findings and Recommendation recommending denial as moot of the plaintiff's 28 U.S.C. § 2241 petition, dismissal of the civil action, and removal from the docket. No party filed objections.
STANDARD OF REVIEW	For unobjected-to portions of a magistrate judge's Findings and Recommendation, the court applied the waiver rule concerning de novo review. The court also applied the certificate-of-appealability standard under 28 U.S.C. § 2253(c), requiring a substantial showing of the denial of a constitutional right.
PRECEDENTIAL VALUE	Unknown

TOPICS

- federal habeas corpus
- post-conviction relief
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's unobjected-to Findings and Recommendation recommending denial as moot of the § 2241 petition and dismissal of the action.
2. Whether a certificate of appealability should issue under 28 U.S.C. § 2253(c).

HOLDINGS

1. The parties' failure to file timely objections waived their right to de novo review, and the district court adopted the Findings and Recommendation.
2. The plaintiff's petition under 28 U.S.C. § 2241 was denied as moot, and the civil 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.”” (2)

FACTUAL BACKGROUND

The opinion concerns a federal prisoner's petition for habeas relief under 28 U.S.C. § 2241 against the Warden of FPC Alderson. The magistrate judge recommended denial of the petition as moot and dismissal of the action. The parties filed no objections to that recommendation.

PROCEDURAL HISTORY

The action was referred to Magistrate Judge Dwane L. Tinsley under 28 U.S.C. § 636(b)(1)(B). On June 24, 2025, the magistrate judge recommended that the § 2241 petition be denied as moot and the action dismissed. After the parties failed to object within the applicable seventeen-day period, 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 BLUEFIELD SHIMIKA L. ADGERSON, Plaintiff, v. CIVIL ACTION NO. 1:24-00394 WARDEN, FPC Alderson, 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 recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B).

Magistrate Judge Tinsley submitted to the court his Findings and Recommendation (“PF&R”) on June 24, 2025, in which he recommended that the district court deny as moot plaintiff’s petition under 28 U.S.C. § 2241, dismiss this civil action, and remove this matter 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 Tinsley’s Findings and Recommendation. 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. *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 Tinsley, the court adopts the findings and recommendations contained therein.

Accordingly, the court hereby DENIES as moot plaintiff’s petition under 28 U.S.C. § 2241, DISMISSES this civil action, 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 standard is not satisfied in this instance. Accordingly, the court DENIES a certificate of appealability. 2 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 7th day of May, 2026. ENTER: David A. Faber Senior United States District Judge