

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

April Nesbitt v. Warden

Nesbitt · No. 1:24-00668 · Decided April 1, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopted the magistrate judge’s findings and recommendation and dismissed April Nesbitt’s 28 U.S.C. § 2241 habeas petition as moot. The court removed the matter from its active 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	April 1, 2026
DOCKET	1:24-00668
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff petitioned for a writ of habeas corpus under 28 U.S.C. § 2241. After the magistrate judge recommended dismissal as moot, neither party filed objections, and the district court adopted the Findings and Recommendation.
STANDARD OF REVIEW	Absent 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; for a dispositive procedural ruling, reasonable jurists must find the ruling debatable.
PRECEDENTIAL VALUE	unpublished
PARTIES	April Nesbitt v. Warden

TOPICS

- federal habeas corpus
- mootness
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the plaintiff's petition for a writ of habeas corpus under 28 U.S.C. § 2241 should be dismissed as moot.
2. Whether the plaintiff was entitled to a certificate of appealability.

HOLDINGS

1. The court adopted the magistrate judge's Findings and Recommendation and dismissed the plaintiff's § 2241 habeas petition as moot.
2. The court denied a certificate of appealability because the governing standard was not satisfied.

KEY QUOTATIONS

“Accordingly, the court hereby DISMISSES as moot plaintiff’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 and directs the Clerk to remove this case from the court’s active docket.” (at 2)

“The court concludes that the governing standard is not satisfied in this instance. Accordingly, the court DENIES a certificate of appealability.” (at 2)

FACTUAL BACKGROUND

The opinion identifies April Nesbitt as the petitioner in a federal habeas action under 28 U.S.C. § 2241 against a warden. The court adopted the magistrate judge's recommendation that the petition be dismissed as moot, but the opinion does not state the underlying circumstances that rendered the petition moot.

PROCEDURAL HISTORY

The action was referred to Magistrate Judge Omar J. Aboulhosn under 28 U.S.C. § 636(b)(1)(B). On January 5, 2026, the magistrate judge recommended dismissing the § 2241 petition as moot and removing the case from the docket. The parties filed no objections within the applicable seventeen-day period, so the district court adopted the recommendation, dismissed the petition as moot, closed the case, 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)

