

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, CENTRAL DIVISION

United States of America v. James Allen Phelps

Phelps · No. Criminal Action No. 5:23-099-DCR; Civil Action No. 5:25-149-DCR-CJS · Decided January 15,
2026

SUMMARY

The United States District Court for the Eastern District of Kentucky adopted a magistrate judge’s recommendation granting James Allen Phelps’s motion under 28 U.S.C. § 2255 based on counsel’s failure to file a timely notice of appeal. The court authorized Phelps to file a notice of appeal challenging his sentence and career-offender designation, denied his remaining claims as moot, and reappointed counsel to assist with the appeal.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Central Division
WRITING FOR THE COURT	Danny C. Reeves
JURISDICTION	United States District Court for the Eastern District of Kentucky, Central Division
DECIDED	January 15, 2026
DOCKET	Criminal Action No. 5:23-099-DCR; Civil Action No. 5:25-149-DCR-CJS
DISPOSITION	other
PROCEDURAL POSTURE	Phelps moved under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence, asserting ineffective assistance of counsel based on counsel's failure to file a timely notice of appeal. A magistrate judge recommended granting that claim and denying the remaining claims as moot. Neither party objected, and the district court adopted the Report and Recommendation in full.
STANDARD OF REVIEW	When no party objects to a magistrate judge's Report and Recommendation, the district court is not required to conduct de novo review of the magistrate judge's factual or legal conclusions. The court nevertheless agreed with and adopted the recommendations.

PRECEDENTIAL VALUE	Unpublished district-court memorandum order; precedential status is not established in the source.
PARTIES	James Allen Phelps v. United States of America

TOPICS

federal habeas corpus post-conviction relief ineffective assistance right to counsel appellate procedure

PRACTICE AREAS

Federal post-conviction sentencing relief Criminal procedure Ineffective assistance of counsel
Appellate procedure

QUESTIONS PRESENTED

1. Whether Phelps was entitled to relief under 28 U.S.C. § 2255 because counsel provided ineffective assistance by failing to file a timely notice of appeal after sentencing.
2. Whether Phelps's remaining § 2255 claims should be denied as moot after relief was granted on the failure-to-file-an-appeal claim.
3. What standard of review applied to the unobjected-to Report and Recommendation.

HOLDINGS

1. Phelps was entitled to § 2255 relief on his claim that trial counsel provided ineffective assistance by failing to file a timely notice of appeal. The court authorized Phelps to file a notice of appeal within fourteen days to challenge his sentence and career-offender designation.
2. Phelps's remaining claims for relief were denied as moot.
3. The district court was not required to conduct de novo or other review of the magistrate judge's factual or legal conclusions when neither party objected, although the court agreed with and adopted the recommendations.

KEY QUOTATIONS

“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.” (at 2; quoting *Thomas v. Arn*, 474 U.S. 140, 150 (1985))

FACTUAL BACKGROUND

Phelps was sentenced after being designated a career offender under the United States Sentencing Guidelines. He asserted that he instructed trial counsel to file a notice of appeal challenging that designation, but counsel failed to do so and did not object to the designation at sentencing. The United States conceded that the failure-to-file-an-appeal claim had merit, leading to cancellation of an evidentiary hearing.

PROCEDURAL HISTORY

Phelps filed his § 2255 motion on April 29, 2025. Magistrate Judge Matthew A. Stinnett issued a Report and Recommendation on December 23, 2025, recommending that relief be granted on the failure-to-file-an-appeal claim and that the remaining claims be denied as moot. After receiving no objections, District Judge Danny C. Reeves adopted the recommendation and granted relief on the first claim.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. Phelps was permitted to file a notice of appeal within fourteen days challenging his sentence and career-offender designation, and Kathryn Walton was reappointed to assist him with filing the notice.

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 150 (1985)

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