

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Unpublished district-court memorandum order; precedential status is not established in the source.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)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY CENTRAL DIVISION (at Lexington) UNITED STATES OF AMERICA,)) Plaintiff/Respondent,) Criminal Action No. 5: 23-099-DCR) and V.) Civil Action No. 5: 25-149-DCR-CJS) JAMES ALLEN PHELPS,)) MEMORANDUM ORDER Defendant/Movant.) *** ** This matter is pending for consideration of Defendant/Movant James Phelps's motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255 [Record No. 32] The motion was filed April 29, 2025, and included a claim that his attorney provided ineffective assistance by failing to file a notice of appeal following his sentencing hearing.

While Phelps asserts that he wished to take a direct appeal to the United States Court of Appeals for the Sixth Circuit to challenge his designation as a career offender, he contends that his attorney did not object to the designation during the sentencing hearing and did not follow his instructions to file a timely notice of appeal regarding that issue. Consistent with local practice, Phelps's motion was referred to a United States Magistrate Judge for review and issuance of a Report and Recommendation ("R&R") pursuant to 28 U.S.C. § 636(b)(1)(B).

United States Magistrate Judge Matthew A. Stinnett issued his R&R on December 23, 2025, recommending that the motion be granted regarding the claim that his counsel failed to file a timely notice of appeal.¹ [Record No. 44] And based on this determination, he recommends that the remaining grounds for relief asserted by Phelps be denied as moot.

The parties were advised that they could file specific written objections to the Magistrate Judge's recommendations and, if filed, any such objection would be subject to de novo review by the undersigned. [See Id. at p. 6.] And the parties were further cautioned that failure to make timely objections may, and ordinarily will, result in a waiver of further appeal or review by the District Judge and Sixth Circuit Court of Appeals.

[Id.] However, neither party objected to the R&R. While the undersigned makes de novo determinations of those portions of an R&R to which an objection is made pursuant to 28 U.S.C. § 636(b)(1)(C), "[i]t 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." *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Here, no objections have been made, and the undersigned agrees with the Magistrate Judge's recommendations. Accordingly, it is hereby ORDERED as follows: 1. The Report and Recommendation of United States Magistrate Judge Matthew A. Stinnett [Record No. 44] is ADOPTED in full and INCORPORATED here by reference. 2.

The defendant/movant's motion to vacate, correct, or set aside his sentence under 28 U.S.C. §2255 [Record No. 32] is GRANTED regarding his first claim that his trial 1 In advance of the evidentiary hearing scheduled by Magistrate Judge Stinnett, and after speaking with Phelps's trial counsel, the United States conceded that this ground for relief had merit.

Therefore, an evidentiary hearing on the issue was canceled. attorney provided ineffective assistance by failing to file a timely notice of appeal. Therefore, within fourteen (14) days, the defendant may file a Notice of Appeal seeking to challenge the sentence imposed together with his designation as a Career Offender under the United States Sentencing Guidelines.

3. Other than the first claim for relief addressed above, the remaining claims identified in the defendant/movant's motion [Record No. 32] are DENIED as moot. 4. Pursuant to the provisions of the Criminal Justice Act, Kathryn Walton is re- appointed as counsel for the Defendant/Movant Phelps to assist him with filing a timely Notice of Appeal. This appointment remains in effect, pending intervening orders by this Court or by the United States Court of Appeals for the Sixth Circuit.

5. In addition to counsel of record, the Clerk of the Court is DIRECTED to forward a copy of this Memorandum Order and the accompanying Judgment to Defendant/Movant Phelps at his current place of incarceration. Dated: January 15, 2026. ' 7) i: Danny C. Reeves, District Judge WE xy United States District Court tla — Eastern District of Kentucky -3-