

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Paul Casto v. Warden, FCI Beckley

Casto · No. 5:24-cv-446 · Decided December 15, 2025

SUMMARY

The United States District Court for the Southern District of West Virginia adopted a magistrate judge’s proposed findings and recommendation concerning Paul Casto’s 28 U.S.C. § 2241 habeas petition. The court found the petition moot because Casto received the requested early-release time and transfer to prerelease custody, denied the petition as moot, and dismissed the matter.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia
WRITING FOR THE COURT	Frank W. Volk
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	December 15, 2025
DOCKET	5:24-cv-446
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner's 28 U.S.C. § 2241 habeas petition was referred to a magistrate judge, who recommended dismissal as moot because Petitioner had received the requested early-release and prerelease-custody relief. No objections were filed, and the district court adopted the PF&R and dismissed the petition as moot.
STANDARD OF REVIEW	The court explained that de novo review is required only for portions of a magistrate judge's PF&R to which a timely specific objection is made. Unobjected-to portions need not be reviewed de novo, and general or conclusory objections do not trigger de novo review.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation
PARTIES	Paul Casto v. Warden, FCI Beckley

TOPICS

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

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Federal civil procedure

QUESTIONS PRESENTED

1. Whether Casto's § 2241 petition was moot because he had received the relief sought.
2. Whether the district court should adopt the magistrate judge's PF&R when no objections were filed.

HOLDINGS

1. The petition was moot because Casto had received all eligible early-release time and had been transferred to prerelease custody, which provided the relief sought.
2. When no timely objections are filed to a magistrate judge's proposed findings and recommendation, the district court need not conduct de novo review of the unobjected-to factual or legal conclusions, and the failure to object waives de novo review and the right to appeal the district court's order on those matters.

KEY QUOTATIONS

“Failure to file timely objections constitutes a waiver of de novo review and the Petitioner’s right to appeal the Court’s order.”

“Accordingly, the Court ADOPTS the PF&R [ECF 13], DENIES AS MOOT the Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 [ECF 2], and DISMISSES the matter.”

FACTUAL BACKGROUND

Casto sought habeas relief under 28 U.S.C. § 2241 concerning eligible early-release time and transfer to prerelease custody. According to the magistrate judge's PF&R, Casto received all eligible early-release time and was transferred to prerelease custody, providing the relief sought. No objections to the PF&R were filed.

PROCEDURAL HISTORY

Paul Casto filed a § 2241 petition on August 23, 2024. Magistrate Judge Dwane L. Tinsley issued a PF&R on October 14, 2025, recommending dismissal as moot. Casto did not object by the October 31, 2025 deadline, so the district court adopted the PF&R, denied the petition as moot, and dismissed the matter.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. De Leon-Ramirez, 925 F.3d 177, 181 (4th Cir. 2019)
- Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989)
- Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF WEST VIRGINIA AT BECKLEY PAUL CASTO, Petitioner, v. CIVIL ACTION NO. 5:24-cv-446 WARDEN, FCI BECKLEY, Respondent. ORDER Pending is Paul Casto's ("Petitioner") Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 [ECF 2], filed August 23, 2024. This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R").

Magistrate Judge Tinsley filed his PF&R on October 14, 2025. Magistrate Judge Tinsley recommended that the Court find Petitioner's § 2241 petition is moot due to his receipt of the relief sought in his Petition -- that is, all eligible early release time and his transfer to prerelease custody. [See ECF 13].

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. See *Thomas v. Arn*, 474 U.S. 140 (1985); see also 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." (emphasis added)).

Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. See 28 U.S.C. § 636(b)(1); see also *United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically "appeal a magistrate judge's findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.

1989). Further, the Court need not conduct de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on October 31, 2025. No objections were filed.

Accordingly, the Court ADOPTS the PF&R [ECF 13], DENIES AS MOOT the Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 [ECF 2], and DISMISSES the matter. The Court directs the Clerk to transmit a copy of this Order to counsel of record and any unrepresented party. ENTER: December 15, 2025 Zinedine Frank W. Volk "Teme" == Chief United States District Judge