

**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.

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 Signed Frank W. Volk “Teme” == Chief United States District Judge