

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Ashley Kawczynski v. United States

No. 2:24-cv-00360, 2026 · No. 2:24-cv-00360 · Decided May 21, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopted a magistrate judge’s proposed findings and recommendation concerning Ashley Kawczynski’s motion to vacate, set aside, or correct her sentence under 28 U.S.C. § 2255. The court granted the government’s motion to dismiss, dismissed the motion, removed the civil action from the 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	Thomas B.
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	May 21, 2026
DOCKET	2:24-cv-00360
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner moved to run sentences concurrently. The court construed the filing as a motion under 28 U.S.C. § 2255, referred the matter to a magistrate judge, adopted the magistrate judge's PF&R without de novo review because no objections were filed, dismissed the motion, and denied a certificate of appealability.
STANDARD OF REVIEW	When no timely objections are filed to a magistrate judge's proposed findings and recommendation, the district court is not required to conduct de novo review of the unobjected-to factual or legal conclusions. General and conclusory objections that do not identify a specific error likewise do not require de novo review.
PRECEDENTIAL VALUE	unknown
PARTIES	Ashley Kawczynski v. United States of America

TOPICS

federal habeas corpus

post-conviction relief

motions to dismiss

standard of review

appellate procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the court should adopt the magistrate judge's PF&R when no timely objections were filed.
2. Whether Movant's filing, construed as a motion under 28 U.S.C. § 2255, should be dismissed.
3. Whether Movant was entitled to a certificate of appealability.

HOLDINGS

1. When no timely objections are filed, the district court need not conduct de novo or other review of the magistrate judge's factual or legal conclusions to which no objections were made, and may adopt the PF&R.
2. The court dismissed Movant's motion to vacate, set aside, or correct sentence.
3. A certificate of appealability was denied because Movant failed to make a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“The Court is not required to review, under 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.” (1)

“Because Petitioner has not made a substantial showing of the denial of a constitutional right in the § 2255 Motion, the Court DENIES a certificate of appealability.” (2)

FACTUAL BACKGROUND

Ashley Kawczynski, proceeding pro se, filed a motion styled as a motion to run concurrent sentencing. The court construed the filing as a motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. The magistrate judge recommended dismissal, and Kawczynski filed no objections by the February 26, 2026 deadline.

PROCEDURAL HISTORY

The United States opposed Movant's § 2255 motion and requested dismissal or denial. Magistrate Judge Joseph K. Reeder recommended granting the government's motion to dismiss, dismissing Movant's motion, and removing the civil action from the docket. Because no objections were filed by the deadline, the district court adopted the PF&R, dismissed the motion, removed the case from its docket, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 150 (1985)
- Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989)
- United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984)
- Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)
- Miller–El v. Cockrell, 537 U.S. 322, 336–38 (2003)
- Slack v. McDaniel, 529 U.S. 437, 484 (2000)
- Rose v. Lee, 252 F.3d 676, 683–83 (4th Cir. 2001)

OPINION

Kawczynski

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

ASHLEY KAWCZYNSKI,

Petitioner, v. CIVIL ACTION NO. 2:24-cv-00360 (Criminal No. 2:22-cr-00160)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Movant Ashley Kawczynski’s (“Movant”), pro se filing styled as a “Motion to Run Concurrent Sentencing,” which has been construed as a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. (ECF No. 90.) The United States filed a response in opposition to the motion, requesting that the motion be dismissed or denied. (ECF No. 110.) By Standing Order entered January 4, 2016, and filed in this case on July 18, 2024, this action was referred to United States Magistrate Cheryl A. Eifert for submission of proposed findings and a recommendation (“PF&R”). (ECF No. 96.) Following Magistrate Judge Eifert’s retirement, the case was reassigned to United States Magistrate Judge Joseph K. Reeder. (ECF No. 101.) Magistrate Judge Reeder filed his PF&R on February 9, 2026, recommending that this Court GRANT the motion to dismiss, (ECF No. 110), DISMISS Movant’s Motion, (ECF No. 90), and REMOVE this civil action from this Court’s docket, (ECF No. 131). 1 The Court is not required to review, under 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. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); see

also *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a 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 to the PF&R in this case were due on February 26, 2026. (ECF No. 131.) To date, no objections have been filed. Accordingly, the Court ADOPTS the PF&R, (ECF No. 131), GRANTS the motion to dismiss, (ECF No. 110), DISMISSES Movant’s Motion, and DIRECTS the Clerk to REMOVE this civil action from this Court’s docket. (ECF No. 131.) The Court has also considered whether to grant a certificate of appealability. See 28 U.S.C. § 2253(c). A certificate will not be granted unless there is “a substantial showing of the denial of a constitutional right.” *Id.* at § 2253(c)(2). The standard is satisfied only upon a showing that reasonable jurists would find that any assessment of the constitutional claims by this Court is debatable or wrong and that any dispositive procedural ruling is likewise debatable. *Miller–El v. Cockrell*, 537 U.S. 322, 336–38 (2003); *Slack v. McDaniel*, 529 U.S. 437, 484 (2000); *Rose v. Lee*, 252 F.3d 676, 683–83 (4th Cir. 2001). Because Petitioner has not made a substantial showing of the denial of a constitutional right in the § 2255 Motion, the Court DENIES a certificate of appealability. Pursuant to Rule 11(a), Petitioner may not appeal the Court’s denial of a certificate of appealability, but she may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22. IT IS SO ORDERED. The Court DIRECTS the Clerk to send a copy of this Order to counsel of record and any unrepresented party. ENTER: May 21, 2026 THOMAS B. UNITED STATES DISTRICT JUDGE