

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

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PRACTICE AREAS

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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)

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