

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Marcos Santiago-Roldan v. Warden Rokosky

Santiago-Roldan · No. 1:23-00539 · Decided March 20, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopted a magistrate judge’s findings and recommendation concerning Marcos Santiago-Roldan’s petition under 28 U.S.C. § 2241. The court denied the petition as moot, dismissed the civil action, removed it from the active 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	David A. Faber
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	March 20, 2026
DOCKET	1:23-00539
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's proposed findings and recommendation in a 28 U.S.C. § 2241 habeas proceeding after the parties filed no objections.
STANDARD OF REVIEW	Absent timely objections to a magistrate judge's proposed findings and recommendation, a party waives de novo review. The court also applied the certificate-of-appealability standard under 28 U.S.C. § 2253(c).
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion and order; precedential status is not indicated in the source.
PARTIES	Marcos Santiago-Roldan v. Warden Rokosky

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's findings and recommendation when no party filed timely objections.
2. Whether the petition under 28 U.S.C. § 2241 should be denied as moot and the civil action dismissed.
3. Whether to issue a certificate of appealability.

HOLDINGS

1. A party that fails to file timely objections waives the right to de novo review of the magistrate judge's findings and recommendation.
2. The petition under 28 U.S.C. § 2241 was denied as moot, and the civil action was dismissed.
3. A certificate of appealability was denied because the governing standard was not satisfied.

KEY QUOTATIONS

“A certificate will not be granted unless there is “a substantial showing of the denial of a constitutional right.””

FACTUAL BACKGROUND

The opinion provides no substantive factual account of the underlying habeas claim. The magistrate judge recommended that the petition be denied as moot, and the parties did not object to that recommendation within the prescribed period.

PROCEDURAL HISTORY

The action was referred to Magistrate Judge Dwane L. Tinsley under 28 U.S.C. § 636(b)(1)(B). On May 22, 2025, the magistrate judge recommended denying the § 2241 petition as moot, dismissing the action, and removing it from the docket. No party filed objections within the applicable seventeen-day period, so the district court adopted the findings and recommendation, dismissed the action, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989)
- Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA AT BLUEFIELD MARCOS SANTIAGO-ROLDAN, Plaintiff, v. CIVIL ACTION NO. 1:23-00539 WARDEN ROKOSKY, Defendant. MEMORANDUM OPINION AND ORDER By Standing Order, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B).

Magistrate Judge Tinsley submitted to the court his Findings and Recommendation (“PF&R”) on May 22, 2025, in which he recommended that the district court deny as moot plaintiff’s petition under 28 U.S.C. § 2241, dismiss this civil action, and remove this matter from the court’s docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Tinsley’s Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such party’s right to a de novo review by this court. *Snyder v. Ridenour*, 889 F.2d 1363 (4th Cir.

1989). The parties failed to file any objections to the Magistrate Judge’s Findings and Recommendation within the seventeen-day period. Having reviewed the Findings and Recommendation filed by Magistrate Judge Tinsley, the court adopts the findings and recommendations contained therein.

Accordingly, the court hereby DENIES as moot plaintiff’s petition under 28 U.S.C. § 2241, DISMISSES this civil action, and directs the Clerk to remove this case from the court’s active docket. Additionally, the court has 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.” 28 U.S.C. § 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. 473, 484 (2000); *Rose v. Lee*, 252 F.3d 676, 683-84 (4th Cir.

2001). The court concludes that the governing standard is not satisfied in this instance. Accordingly, the court DENIES a certificate of appealability. 2 The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff and counsel of record. IT IS SO ORDERED this 20th day of March, 2026. ENTER: David A. Faber Senior United States District Judge