

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Michael Jamal Tucker v. FCI Beckley Warden

Tucker · No. 5:24-cv-692 · Decided November 24, 2025

SUMMARY

The United States District Court for the Southern District of West Virginia adopted a magistrate judge’s proposed findings and recommendation and dismissed Michael Jamal Tucker’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 as moot. The dismissal was based on Tucker’s release from custody, and no objections were filed to the proposed findings and recommendation.

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	November 24, 2025
DOCKET	5:24-cv-692
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241. After a magistrate judge recommended dismissal as moot because Petitioner had been released from custody, and no objections were filed, the district court adopted the recommendation and dismissed the petition.
STANDARD OF REVIEW	Absent timely objections, the district court need not conduct de novo review of the magistrate judge's factual or legal conclusions; general and conclusory objections likewise do not require de novo review.
PRECEDENTIAL VALUE	Unknown; district court order designated per curiam with no reporter citation or stated precedential status.
PARTIES	Michael Jamal Tucker v. FCI Beckley Warden

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the § 2241 habeas petition was moot after Petitioner was released from custody.
2. Whether the district court was required to conduct de novo review of the magistrate judge's proposed findings and recommendation when no objections were filed.

HOLDINGS

1. The district court was not required to conduct de novo review of the magistrate judge's factual or legal conclusions because Petitioner filed no timely objections.
2. The petition was moot because Petitioner had been released from custody, and the action was dismissed.

KEY QUOTATIONS

“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.”

“Accordingly, the Court ADOPTS the PF&R [ECF 12], DISMISSES AS MOOT the Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 [ECF 1], and DISMISSES the matter.”

FACTUAL BACKGROUND

Michael Jamal Tucker filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 while in custody. He was released from custody on July 23, 2025, rendering the petition moot.

PROCEDURAL HISTORY

Tucker filed a § 2241 petition on December 2, 2024. The matter was referred to Magistrate Judge Omar J. Aboulhosn, who issued a proposed findings and recommendation on September 11, 2025, recommending dismissal as moot because Tucker was released on July 23, 2025. No objections were filed by the September 29, 2025 deadline, and the district court adopted the PF&R and dismissed the action.

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

Tucker

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF WEST VIRGINIA

AT BECKLEY

MICHAEL JAMAL TUCKER,

Petitioner, v. CIVIL ACTION NO. 5:24-cv-692

FCI BECKLEY WARDEN,

Respondent.

ORDER

Pending is Petitioner Michael Jamal Tucker's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 [ECF 1], filed December 2, 2024. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Aboulhosn filed his PF&R on September 11, 2025. [See ECF 12]. Magistrate Judge Aboulhosn recommended that the Court dismiss Mr. Tucker's Petition for a Writ of Habeas Corpus as moot because Mr. Tucker was released from custody on July 23, 2025. [ECF 12 at 3]. 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 September 29, 2025. No objections were filed. Accordingly, the Court ADOPTS the PF&R [ECF 12], DISMISSES AS MOOT the Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 [ECF 1], and DISMISSES the matter. The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party. ENTER: November 24, 2025 Zi a aries KJ Frank W. Volk "Tame Chief United States District Judge

