

**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.

OPINION

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