

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA, ORANGEBURG DIVISION

Vincent M. Ruggiero v. Warden M. V. Joseph

Ruggiero v. Joseph · No. 5:25-cv-12359-JDA · Decided February 4, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts a magistrate judge’s recommendation and summarily dismisses without prejudice Vincent M. Ruggiero’s 28 U.S.C. § 2241 habeas petition. The court concludes that the action is duplicative of another pending case concerning the application of First Step Act earned time credits and denies a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Orangeburg Division
WRITING FOR THE COURT	Jacquelyn D. Austin
JURISDICTION	United States District Court for the District of South Carolina, Orangeburg Division
DECIDED	February 4, 2026
DOCKET	5:25-cv-12359-JDA
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241, challenging the Federal Bureau of Prisons' refusal to apply First Step Act earned time credits. The matter was referred to a magistrate judge, who recommended summary dismissal as duplicative of another pending action. After reviewing Petitioner's objections de novo, the district court accepted the recommendation and dismissed the action without prejudice and without issuance and service of process.
STANDARD OF REVIEW	The district court conducts a de novo determination of portions of a magistrate judge's report to which specific objections are made; absent a specific objection, the report is reviewed for clear error. The court conducted de novo review in this case.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Vincent M. Ruggiero v. Warden M. V. Joseph

TOPICS

federal habeas corpus

post-conviction relief

pleadings

civil procedure

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Federal civil procedure

QUESTIONS PRESENTED

1. Whether the petition should be summarily dismissed as duplicative of another pending habeas action.
2. What standard of review governed the magistrate judge's Report and Recommendation after Petitioner filed objections.
3. Whether a certificate of appealability should issue.

HOLDINGS

1. A habeas petition that duplicates another pending action may be summarily dismissed without prejudice and without issuance and service of process.
2. The district court must conduct a de novo determination of portions of a magistrate judge's report to which a specific objection is made and may review unobjected-to portions for clear error.
3. A certificate of appealability will not issue because Petitioner did not satisfy the applicable substantial-showing standard.

KEY QUOTATIONS

“The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court.”

“Accordingly, this action is summarily DISMISSED without prejudice and without issuance and service of process.”

FACTUAL BACKGROUND

Petitioner alleged that the Federal Bureau of Prisons refused to apply his First Step Act earned time credits to his remaining sentence. He had also filed another pending action raising the same or duplicative claim. The magistrate judge recommended summary dismissal on that basis.

PROCEDURAL HISTORY

Petitioner filed the § 2241 petition on September 8, 2025. The magistrate judge recommended summary dismissal because the petition duplicated another pending action, and Petitioner filed objections. The district court conducted a de novo review out of caution, accepted and incorporated the Report and Recommendation, and summarily dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270–71 (1976)
- Diamond v. Colonial Life & Accident Ins., 416 F.3d 310, 315 (4th Cir. 2005)
- Slack v. McDaniel, 529 U.S. 473, 484–85 (2000)
- Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003)
- Ruggiero v. Warden, No. 5:25-cv-11171-JDA-KDW

OPINION

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH CAROLINA ORANGEBURG DIVISION Vincent M. Ruggiero,) Case No. 5:25-cv-12359-JDA)
Petitioner,)) v.) OPINION AND ORDER) Warden M. V. Joseph,)) Respondent.)) This matter
is before the Court on Petitioner’s Petition for habeas corpus pursuant to 28 U.S.C. § 2241 and a
Report and Recommendation (“Report”) of the Magistrate Judge.

[Docs. 1; 8.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., this
matter was referred to United States Magistrate Judge Kaymani D. West for pre-trial proceedings.
On September 8, 2025, the Clerk docketed Petitioner’s Petition. [Doc. 1.] Petitioner alleges that
the Federal Bureau of Prisons has refused to apply his First Step Act earned time credits to his
remaining sentence.

[Id.] On September 15, 2025, the Magistrate Judge issued a Report recommending that the matter
be summarily dismissed because it is duplicative of another pending action filed by Petitioner,
Ruggiero v. Warden, No. 5:25-cv-11171-JDA-KDW. [Doc. 8 at 2–3.]

The Magistrate Judge advised Petitioner of the procedures and requirements for filing objections
to the Report and the serious consequences if he failed to do so. [Id. at 4.] On September 25, 2025,
the Clerk docketed Petitioner’s objections. [Doc. 12; see also Docs. 15; 16.]

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no
presumptive weight, and the responsibility to make a final determination remains with the Court.
See Mathews v. Weber, 423 U.S. 261, 270–71 (1976).

The Court is charged with making a de novo determination of any portion of the Report of the
Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify,
in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to
the Magistrate Judge with instructions. See 28 U.S.C. § 636(b).

The Court will review the Report only for clear error in the absence of an objection. See Diamond
v. Colonial Life & Accident Ins., 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of

a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation” (internal quotation marks omitted)).

In his objections, Petitioner fails to engage the Magistrate Judge’s analysis. Nevertheless, out of an abundance of caution for the pro se Petitioner, the Court has conducted a de novo review of the Report, the record, and the applicable law.

Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference. Accordingly, this action is summarily DISMISSED without prejudice and without issuance and service of process. IT IS SO ORDERED. s/ Jacquelyn D. Austin United States District Judge February 3, 2026 Columbia, South Carolina CERTIFICATE OF APPEALABILITY “The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant.” Rule 11(a) of the Rules Governing Section 2254 Cases; see Rule 1(b) of the Rules Governing Section 2254 Cases (stating that a district court may apply these rules to a habeas petition not filed pursuant to § 2254).

A certificate of appealability will not issue absent “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). When the district court denies relief on the merits, a petitioner satisfies this standard by demonstrating that reasonable jurists would find that the court’s assessment of the constitutional claims is debatable or wrong.

Slack v. McDaniel, 529 U.S. 473, 484 (2000); see Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable, and that the petition states a debatable claim of the denial of a constitutional right. Slack, 529 U.S. at 484–85.

In this case, the legal standard for the issuance of a certificate of appealability has not been met.