

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA**

Marvin Calvin v. FCI Beckley Warden

Calvin · No. 5:25-cv-456 · Decided January 20, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopted a magistrate judge’s proposed findings and recommendation and dismissed Marvin Calvin’s 28 U.S.C. § 2241 habeas petition without prejudice. The dismissal was based on failure to prosecute under Federal Rule of Civil Procedure 41(b), and no objections to the recommendation were filed.

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF WEST VIRGINIA AT BECKLEY MARVIN CALVIN, Petitioner, v. CIVIL ACTION NO. 5:25-cv-456 FCI BECKLEY WARDEN, Respondent. ORDER Pending is Marvin Calvin’s (“Petitioner”) Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 [ECF 1], filed July 21, 2025. This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation (“PF&R”).

Magistrate Judge Tinsley filed his PF&R on October 9, 2025. [See ECF 7]. Magistrate Judge Tinsley recommended that the Court find Petitioner has failed to prosecute this action and dismiss pursuant to Federal Rule of Civil Procedure 41(b). [Id.].

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 October 27, 2025. No objections were filed.

Accordingly, the Court ADOPTS the PF&R [ECF 7] and DISMISSES the matter without prejudice for failure to prosecute pursuant to Rule 41(b). The Court directs the Clerk to transmit a copy of this Order to counsel of record and any unrepresented party. ENTER: January 20, 2026 ZL 2 Frank W. Volk “Tame Chief United States District Judge