

**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

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

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