

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
ARKANSAS

Alberto Rodriguez v. John P. Yates

Rodriguez · No. 2:22-cv-00248-KGB · Decided March 17, 2026

SUMMARY

The United States District Court for the Eastern District of Arkansas adopted in part a magistrate judge’s recommended disposition and dismissed with prejudice Alberto Rodriguez’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court declined to adopt the recommendation’s language concerning a certificate of appealability, citing Eighth Circuit precedent that such a certificate is not required for an appeal from denial of a § 2241 petition.

CASE DETAILS

COURT	United States District Court for the Eastern District of Arkansas
WRITING FOR THE COURT	Kristine G. Baker
JURISDICTION	United States District Court for the Eastern District of Arkansas
DECIDED	March 17, 2026
DOCKET	2:22-cv-00248-KGB
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's recommended disposition in Rodriguez's petition for a writ of habeas corpus under 28 U.S.C. § 2241. Rodriguez filed no objections.
STANDARD OF REVIEW	The district court independently considered the Recommendation and adopted it in part after the petitioner failed to object.
PRECEDENTIAL VALUE	Unpublished district court order; limited precedential value
PARTIES	Alberto Rodriguez v. John P. Yates

TOPICS

- federal habeas corpus
- post-conviction relief
- appellate procedure
- standard of review

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Recommended Disposition and dismiss Rodriguez's habeas petition with prejudice.
2. Whether language concerning a certificate of appealability should be adopted in resolving a federal prisoner's petition under 28 U.S.C. § 2241.

HOLDINGS

1. The district court adopted the Recommended Disposition in part, adopted its rationale, and dismissed Rodriguez's petition for a writ of habeas corpus with prejudice.
2. A certificate of appealability is not required for a federal prisoner to appeal the denial of a petition under 28 U.S.C. § 2241.

KEY QUOTATIONS

“The Court adopts the rationale in the Recommendation and dismisses with prejudice Rodriguez’s petition for writ of habeas corpus (Dkt. No. 1).” (at 1)

“See Langella v. Anderson, 612 F.3d 938, 939 (8th Cir. 2010) (reviewing a 28 U.S.C. § 2241 petition and finding that a certificate of appealability is not required for a federal prisoner to appeal the denial of a petition under § 2241).” (at 1)

FACTUAL BACKGROUND

Rodriguez filed a petition for a writ of habeas corpus. The record states that, as of February 22, 2024, he was no longer incarcerated with the Federal Bureau of Prisons. Rodriguez did not object to the magistrate judge's Recommended Disposition within the applicable period.

PROCEDURAL HISTORY

United States Magistrate Judge Jerome T. Kearney submitted a Recommended Disposition. After the objection period expired without objections, the district court adopted the Recommendation in part, adopted its rationale, and dismissed the habeas petition with prejudice. The district court declined to adopt the Recommendation's language concerning a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Langella v. Anderson, 612 F.3d 938, 939 (8th Cir. 2010)

OPINION

Rodriguez

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF ARKANSAS

DELTA DIVISION

ALBERTO RODRIGUEZ PETITIONER

Reg. No. 14533-424 Case No. 2:22-cv-00248-KGB

JOHN P. YATES RESPONDENT

ORDER

Before the Court is a Recommended Disposition (“Recommendation”) submitted by United States Magistrate Judge Jerome T. Kearney (Dkt. No. 18). Plaintiff Alberto Rodriguez has not filed objections, and the time to do so has passed. As of February 22, 2024, Rodriguez was not incarcerated with the Federal Bureau of Prisons. Fed. Bureau of Prisons, Find an Inmate: BOP Register Number 14533-424, <https://www.bop.gov/inmateloc/> (last visited Mar 17, 2026). After careful consideration, the Court adopts the Recommendation, in part, as this Court’s findings. The Court adopts the rationale in the Recommendation and dismisses with prejudice Rodriguez’s petition for writ of habeas corpus (Dkt. No. 1). The Court declines to adopt the Recommendation’s language regarding a certificate of appealability. See *Langella v. Anderson*, 612 F.3d 938, 939 (8th Cir. 2010) (reviewing a 28 U.S.C. § 2241 petition and finding that a certificate of appealability is not required for a federal prisoner to appeal the denial of a petition under § 2241). It is so ordered this 17th day of March, 2026. Kustins J. Palur— Kristine G. Baker Chief United States District Judge