

**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.

OPINION

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