

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA

Yakenski Stevens v. Warden Joshua Jones

Stevens · No. 1:24-cv-84-WLS-ALS · Decided January 12, 2026

SUMMARY

The United States District Court for the Middle District of Georgia adopts a magistrate judge’s recommendation and dismisses Yakenski Stevens’s 28 U.S.C. § 2254 habeas petition as untimely. The court grants the respondent’s motion to dismiss, denies the petitioner’s related motions, and denies a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia
WRITING FOR THE COURT	W. Louis Sands, Sr. Judge
JURISDICTION	United States District Court for the Middle District of Georgia, Albany Division
DECIDED	January 12, 2026
DOCKET	1:24-cv-84-WLS-ALS
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal of a 28 U.S.C. § 2254 habeas petition as untimely. Neither party filed objections.
STANDARD OF REVIEW	Clear-error review of the Report and Recommendation because neither party filed timely objections; de novo review would apply to portions to which timely objections were made.
PRECEDENTIAL VALUE	Unknown
PARTIES	Yakenski Stevens v. Warden Joshua Jones

TOPICS

- federal habeas corpus
- statute of limitations
- motions to dismiss
- post-conviction relief
- appellate procedure

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether the Report and Recommendation recommending dismissal of the § 2254 petition as untimely should be accepted under clear-error review when no objections were filed.
2. Whether the petition was untimely under the limitations period in 28 U.S.C. § 2244(d)(1).
3. Whether petitioner was entitled to a certificate of appealability.

HOLDINGS

1. When no timely objections are filed to a magistrate judge's Report and Recommendation, the district court reviews the recommendation for clear error rather than conducting de novo review.
2. The § 2254 petition was untimely because it was filed on April 30, 2024, after the April 1, 2024 filing deadline.
3. A certificate of appealability was denied because petitioner did not make a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“The Court finds that as Petitioner waited until Tuesday, April 30, 2024, to file his Petition for habeas relief under 28 U.S.C. § 2244(d)(1). The Court finds that as Petitioner waited until Tuesday, April 30, 2024, to file his Petition for habeas relief under 28 U.S.C. § 2244(d)(1), which was due no later than Monday, April 1, 2024, the Petition for Writ of Habeas Corpus is untimely.” (Discussion)

“Therefore, the Court agrees with Judge Sheppard’s Recommendation and DENIES Petitioner a certificate of appealability.” (Certificate of Appealability)

FACTUAL BACKGROUND

Petitioner sought habeas relief under 28 U.S.C. § 2254. The district court determined that the petition was due no later than April 1, 2024, but petitioner filed it on April 30, 2024. The court therefore found the petition untimely and did not reach the merits.

PROCEDURAL HISTORY

Petitioner filed a federal habeas petition on April 30, 2024. Respondent moved to dismiss the petition as untimely, and Magistrate Judge Alfreda L. Sheppard recommended granting the motion, dismissing the petition, denying petitioner's merits-related motions, and denying a certificate of appealability. Because no objections were filed, the district court reviewed the Recommendation for clear error, adopted it, dismissed the petition, denied the related motions, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006)
- *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION YAKENSKI STEVENS,: Petitioner,: CASE NO: v.: 1:24-cv-84–WLS-ALS
WARDEN JOSHUA JONES, Respondent. _____ ORDER
Before the Court is the Report and Recommendation (Doc. 33) (“Recommendation”) filed
September 22, 2025, by United States Magistrate Judge Alfreda L. Sheppard.

Therein, Judge Sheppard recommends that (1) Respondent’s Motion to Dismiss Petition as Untimely (Doc. 21) (“Motion to Dismiss”) be granted, (2) Petitioner Yakenski Steven’s Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 (Doc. 1) be dismissed as untimely, and (3) three motions (Docs. 25, 31, 32) filed by Petitioner going to the merits of his Petition for Writ of Habeas Corpus be denied.

Judge Sheppard notified the parties that they had fourteen days within which to file an objection to the Recommendation. Neither party did so. (See Doc. 33 at 6–7 & Docket). Thus, the Court reviews the Recommendation for clear error.¹ I. DISCUSSION The Court has thoroughly considered the Respondent’s Motion to Dismiss, the Petitioner’s response thereto (Doc.

28), and the Recommendation. The Court agrees with Judge Sheppard’s calculation of the deadline within which Petitioner was required to file his 1 28 U.S.C. § 636(b) provides that “[a] judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.” 28 U.S.C. § 636(b); FED.

R. CIV. P. 72. If no timely objections are filed, the court considers the recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006) (“Most circuits agree 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 and citation omitted)). federal habeas petition under 28 U.S.C. § 2244(d)(1).

The Court finds that as Petitioner waited until Tuesday, April 30, 2024, to file his Petition for habeas relief, which was due no later than Monday, April 1, 2024, the Petition for Writ of Habeas Corpus is untimely. Upon full review and consideration of the record, the Court finds no clear error, and that Judge Sheppard’s Recommendation (Doc. 33) should be, and hereby is, ACCEPTED, ADOPTED, and made the Order of this Court for the reason of the findings made and reasons stated therein.

Accordingly, Respondent’s Motion to Dismiss Petition as Untimely (Doc. 21) is GRANTED, Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is DISMISSED, and Petitioner’s Motion

to Admit Documentary Evidence as Exhibit for Petitioner Habeas Petition (Doc. 25), Motion for Prosecutorial Misconduct (Doc. 31), and Motion for Relief from Judgment and Motion for Judgment on the Pleadings (Doc.

32) are DENIED. II. CERTIFICATE OF APPEALABILITY A district court may issue a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2).

To merit a certificate of appealability, the applicant must show that reasonable jurists would find it debatable (1) whether the petition states a valid claim of the denial of a constitutional right, and (2) whether the district court was correct in its procedural ruling. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Petitioner failed to file an objection to Judge Sheppard’s Recommendation of the denial of a certificate of appealability.

After reviewing the record, the Court finds that Petitioner has not made a substantial showing of a denial of a constitutional right as required by 28 U.S.C. § 2253(c)(2). Therefore, the Court agrees with Judge Sheppard’s Recommendation and DENIES Petitioner a certificate of appealability. SO ORDERED, this 12th day of January 2026. /s/W. Louis Sands W. LOUIS SANDS, SR. JUDGE UNITED STATES DISTRICT COURT