

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

(CHIEF) COL. MICHAEL S. OWL
FEATHER-GORBNEY,

Petitioner,

v.

CIVIL ACTION NO. 5:21-cv-00367

WARDEN, FCI Beckley,

Respondent,

(CHIEF) COL. MICHAEL S. OWL
FEATHER-GORBNEY,

Petitioner,

v.

CIVIL ACTION NO. 5:21-cv-00387

WARDEN, FCI Beckley,

Respondent,

(CHIEF) COL. MICHAEL S. OWL
FEATHER-GORBNEY

Petitioner,

v.

CIVIL ACTION NO. 5:21-cv-00492

WARDEN, FCI Beckley,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending are three Petitions for Writ of Habeas Corpus under 28 U.S.C. § 2241 by Petitioner (Chief) Col. Michael S. Owl Feather-Gorbey in the above-styled actions. [Case No. 367, Doc. 2; Case No. 387, Doc. 2; Case No. 492, Doc. 1]. These actions were previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed

findings and a recommendation (“PF&R”). Magistrate Judge Aboulhosn filed the PF&Rs on October 21, 2021 [Case No. 367, Doc. 7; Case No. 387, Doc. 7; Case No. 492, Doc. 8]. Magistrate Judge Aboulhosn recommended the Court take the following actions: deny Petitioner’s Applications to Proceed Without Prepayment of Fees or Costs [Case No. 367, Doc. 1; Case No. 387, Doc. 1; Case No. 492, Doc. 3]; deny Petitioner’s motion for emergency preliminary injunction or temporary restraining order [Case No. 367, Doc. 3]; dismiss the Petitions for Writ of Habeas Corpus under 28 U.S.C. § 2241 [Case No. 367, Doc. 2; Case No. 387, Doc. 2; Case No. 492, Doc. 1]; and allow the matter to remain referred for the consideration of the issue involving the issuance of a pre-filing injunction. Mr. Feather-Gorbey did not object to the PF&Rs.

Inasmuch as common questions of law and fact are extant, and pursuant to *Federal Rule of Civil Procedure* 42(a), the Court **DIRECTS** that these actions be **CONSOLIDATED**. The first styled action above is designated as the lead case, and all future filings shall be made therein.

I.

The Court is required “to make a de novo determination of those portions of the report or specified findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). 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)). 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

were due November 8, 2021. No objections were filed.

II.

The Court **ORDERS** as follows with respect to the above-captioned actions:

1. That the actions be **CONSOLIDATED** and the first-styled case be designated the lead case, with all future filings being made therein;
2. That the Magistrate Judge's PF&Rs be **ADOPTED** [**Case No. 367, Doc. 7; Case No. 387, Doc. 7; Case No. 492, Doc. 8**];
3. That Plaintiff's motions for a preliminary injunction and temporary restraining order be **DENIED** [**Case No. 367, Doc. 3**];
4. That the Petitions for Writ of Habeas Corpus under 28 U.S.C. § 2241 [**Case No. 367, Doc. 2; Case No. 387, Doc. 2; Case No. 492, Doc. 1**] in the lead and consolidated actions be **DENIED**; and
5. That the cases remain referred to the Magistrate Judge for the sole purpose of the consideration of the issuance of a pre-filing injunction.

The Court directs the Clerk to transmit a copy of this written opinion and order to any counsel of record and any unrepresented party herein.

ENTER: November 17, 2021



A handwritten signature in black ink that reads "Frank W. Volk".
Frank W. Volk
United States District Judge