

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Olabamidele Olumide Bewaji v. Jed Falgreen

Bewaji · No. Civ. No. 25-4342 (JWB/DTS) · Decided March 18, 2026

SUMMARY

The United States District Court for the District of Minnesota accepted a magistrate judge's Report and Recommendation and denied Olabamidele Olumide Bewaji's amended petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court concluded that Bewaji had not exhausted his state court remedies, overruled his objections, denied his in forma pauperis applications as moot, and declined to issue a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Jerry W. Blackwell
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	March 18, 2026
DOCKET	Civ. No. 25-4342 (JWB/DTS)
DISPOSITION	denied
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. The district court reviewed the magistrate judge's report and recommendation after petitioner filed objections.
STANDARD OF REVIEW	Specific objections to a magistrate judge's report and recommendation are reviewed de novo under 28 U.S.C. § 636(b)(1) and D. Minn. LR 72.2(b)(3). Portions without specific objections are reviewed for clear error. Because petitioner raised no specific objections, the exhaustion analysis was reviewed for clear error.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown
PARTIES	Olabamidele Olumide Bewaji v. Jed Falgreen

TOPICS

- federal habeas corpus
- post-conviction relief
- pleadings
- due process

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the magistrate judge's recommendation should be accepted when the petitioner's objections were nonspecific and did not address the exhaustion analysis.
2. Whether the amended § 2254 petition should be denied because the petitioner failed to exhaust available state remedies.
3. Whether the petitioner could use objections to the report and recommendation to add new factual allegations and a new constitutional privacy claim.

HOLDINGS

1. Objections that merely repeat underlying arguments and do not specifically challenge the report and recommendation are not entitled to de novo review; the challenged analysis is reviewed for clear error.
2. Using objections to a report and recommendation to add factual allegations or a new constitutional claim is procedurally improper.
3. A § 2254 habeas petition must be denied when the petitioner has not exhausted available state remedies for the claim presented.

KEY QUOTATIONS

“A writ of habeas corpus under § 2254 requires the petitioner to have exhausted available state remedies.”

FACTUAL BACKGROUND

Bewaji was involved in an underlying state criminal case in which respondent Jed Falgreen made a victim-impact statement. Bewaji alleged in his amended federal habeas petition that the statement was prejudicial and should have been excluded. He conceded that he had not raised his due process claim in state court.

PROCEDURAL HISTORY

Bewaji filed an amended § 2254 petition alleging that a victim-impact statement in the underlying state criminal case was prejudicial and should have been excluded. Magistrate Judge David T. Schultz recommended dismissal because Bewaji had not exhausted his state remedies. Bewaji objected, but the district court found that he raised no specific objections, accepted the recommendation, denied the amended petition, denied in forma pauperis applications as moot, and declined to issue a certificate of appealability.

DISPOSITION

denied

CASES CITED

- *Montgomery v. Compass Airlines, LLC*, 98 F. Supp. 3d 1012, 1018 (D. Minn. 2015)

- Warren v. Forney, Civ. No. 23-70 (JWB/LIB), 2024 WL 5135669, at *1 (D. Minn. Dec. 17, 2024)
- Erickson v. Pardus, 551, U.S. 89, 94 (2007)
- McCoy v. Marshall, Civ. No. 25-3686, 2026 WL 228747, at *1 (D. Minn. Jan. 28, 2026)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA Olabamidele Olumide Bewaji, Civ. No. 25-4342 (JWB/DTS) Petitioner, v. ORDER ACCEPTING REPORT AND RECOMMENDATION Jed Falgreen, OF MAGISTRATE JUDGE Respondent. Olabamidele Olumide Bewaji, pro se Petitioner. Thomas R. Ragatz, Esq., Minnesota Attorney General's Office, counsel for Respondent.

On January 7, 2026, Petitioner Olabamidele Olumide Bewaji filed an Amended Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. (Doc. No. 8; see also Doc. No. 9 at 1, n.1.) He alleges that the victim impact statement made by Respondent Jed Falgreen in the underlying state criminal case was prejudicial and should have been excluded. (Doc. No. 8 at 6.)

United States Magistrate Judge David T. Schultz issued a Report and Recommendation ("R&R") on January 21, 2026. (Doc. No. 9.) The R&R recommends dismissing the Amended Petition because Petitioner did not exhaust his state court remedies on his sole claim, which the R&R construes as a due process claim. (Id. at 2–4.) Petitioner filed an objection to the R&R on February 6, 2026.

(Doc. No. 11.) Objected-to portions of an R&R are reviewed de novo, and the recommendations may be accepted, rejected, or modified, in whole or in part. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b)(3). The portions of an R&R to which no specific objection is made are reviewed for clear error. See *Montgomery v. Compass Airlines, LLC*, 98 F. Supp. 3d 1012, 1018 (D.

Minn. 2015) (observing R&R objections that "are not specific but merely repeat arguments presented to and considered by a magistrate judge are not entitled to de novo review, but rather are reviewed for clear error.") A clear error is an obvious mistake in applying the law or interpreting the facts. *Warren v. Forney*, Civ. No. 23-70 (JWB/LIB), 2024 WL 5135669, at *1 (D.

Minn. Dec. 17, 2024). Because Petitioner is pro se, his objections are entitled to liberal construction. *Erickson v. Pardus*, 551, U.S. 89, 94 (2007). Petitioner does not raise specific objections to the R&R. Instead, he merely repeats his underlying claims, attempts to introduce new allegations regarding his due process claim, and raises a new constitutional claim related to his privacy rights.

(See Doc. No. 11 at 2.) Using an objection to an R&R to add factual allegations is procedurally improper. See *McCoy v. Marshall*, Civ. No. 25-3686, 2026 WL 228747, at *1 (D. Minn. Jan. 28, 2026). Regardless, the new details do not address R&R's exhaustion analysis, which is therefore

reviewed for clear error. Careful review of the record reveals no clear error in the Magistrate Judge's analysis or conclusions.

A writ of habeas corpus under § 2254 requires the petitioner to have exhausted available state remedies. 28 U.S.C. § 2254(b)(1)(A). And Petitioner concedes that he did not raise his due process claim in state court. (Doc. No. 8 at 7.)

The findings are supported by both the evidence and law, and the R&R is accepted in its entirety. ORDER Based on the R&R of the Magistrate Judge, and on all the files, records, and proceedings in this case, IT IS HEREBY ORDERED that: 1. Petitioner Olabamidele Olumide Bewaji's Objections to the January 21, 2026 Report and Recommendation (Doc. No. 11) are OVERRULED; 2.

The January 21, 2026 Report and Recommendation (Doc. No. 9) is ACCEPTED; 3. Bewaji's Amended Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 (Doc. No. 8) is DENIED; 4. Bewaji's Applications to Proceed In Forma Pauperis (Doc. Nos. 3, 10) are DENIED as moot; and 5. No Certificate of Appealability is issued. LET JUDGMENT BE ENTERED ACCORDINGLY. Date: March 18, 2026 s/ Jerry W. Blackwell JERRY W. BLACKWELL United States District Judge