

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

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