

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Giovanni German Vasquez Rosales v. Tracy Beltz, Warden

Vasquez Rosales v. Beltz · No. 26-cv-0708 (LMP/LIB) · Decided April 1, 2026

SUMMARY

The United States District Court for the District of Minnesota adopted a magistrate judge’s Report and Recommendation recommending dismissal of Giovanni German Vasquez Rosales’s habeas corpus petition. The petition was dismissed without prejudice, and the court declined to issue a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Laura M. Provinzino
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	April 1, 2026
DOCKET	26-cv-0708 (LMP/LIB)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas corpus relief. The matter was referred to a magistrate judge, whose Report and Recommendation recommended dismissal. The district court reviewed the unobjected-to recommendation for clear error and adopted it.
STANDARD OF REVIEW	Clear-error review of an unobjected-to magistrate judge's Report and Recommendation under Federal Rule of Civil Procedure 72(b).
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated in the opinion.
PARTIES	Giovanni German Vasquez Rosales v. Tracy Beltz, Warden

TOPICS

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

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether the magistrate judge's Report and Recommendation should be adopted when no objections were filed.
2. Whether the habeas petition should be dismissed without prejudice.
3. Whether a certificate of appealability should issue.

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; finding no clear error, the court adopted the R&R.
2. The petition for a writ of habeas corpus was dismissed without prejudice.
3. No certificate of appealability will issue.

KEY QUOTATIONS

"Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, IT IS ORDERED THAT:"

"No certificate of appealability will issue."

FACTUAL BACKGROUND

Vasquez Rosales filed a petition for a writ of habeas corpus. The magistrate judge recommended dismissal, and the petitioner did not object within the permitted time.

PROCEDURAL HISTORY

United States Magistrate Judge Leo I. Brisbois issued a Report and Recommendation recommending dismissal of Vasquez Rosales's petition for a writ of habeas corpus. No objections were filed within the permitted period, so the district court reviewed the R&R for clear error, found none, adopted it, dismissed the petition without prejudice, and declined to issue a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)

OPINION

Beltz

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

GIOVANNI GERMAN VASQUEZ Case No. 26-cv-0708 (LMP/LIB)

ROSALES,

Petitioner,

ORDER ADOPTING

v. REPORT AND RECOMMENDATION

TRACY BELTZ, Warden, Respondent. Before the Court is the Report and Recommendation ("R&R"), ECF No. 6, of United States Magistrate Judge Leo I. Brisbois, which recommends dismissing Petitioner Giovanni German Vasquez Rosales's Petition for Writ of Habeas Corpus, ECF No. 1. No objections have been filed to the R&R in the time period permitted, and it is therefore reviewed for clear error. See Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, IT IS ORDERED THAT:

1. The R&R (ECF No. 6) is ADOPTED;
2. Vasquez Rosales's petition (ECF No. 1) is DISMISSED without prejudice;
3. No certificate of appealability will issue.

LET JUDGMENT BE ENTERED ACCORDINGLY. Dated: April 1, 2026 s/Laura M. Provinzino
Laura M. Provinzino United States District Judge