

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Johnny E. Silva v. B. Eischen, Warden

Silva · No. 25-CV-0044 (JMB/DTS) · Decided April 1, 2026

SUMMARY

The United States District Court for the District of Minnesota adopts a magistrate judge's Report and Recommendation concerning Johnny E. Silva's habeas petition. The court denies the petition and dismisses the action without prejudice after finding no clear error and noting that neither party filed timely objections.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Jeffrey M. Bryan
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	April 1, 2026
DOCKET	25-CV-0044 (JMB/DTS)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending denial of Silva's habeas petition and dismissal without prejudice. Neither party timely objected.
STANDARD OF REVIEW	Clear-error review of the Report and Recommendation in the absence of timely objections.
PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential
PARTIES	Johnny E. Silva, Petitioner v. B. Eischen, Warden, Respondent

TOPICS

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

PRACTICE AREAS

- Federal habeas corpus
- Federal civil procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation when neither party timely objected.
2. Whether the habeas petition should be denied and the action dismissed without prejudice.

HOLDINGS

1. When neither party timely objects to a magistrate judge's Report and Recommendation, the district court reviews the recommendation for clear error.
2. The Report and Recommendation was properly adopted; Silva's habeas petition was denied and the action was dismissed without prejudice.

FACTUAL BACKGROUND

Johnny E. Silva filed a federal habeas petition against B. Eischen, Warden. The opinion does not state the underlying factual basis of the petition because the district court resolved the matter by adopting the unobjected-to Report and Recommendation.

PROCEDURAL HISTORY

Magistrate Judge David T. Schultz issued a Report and Recommendation on October 10, 2025, recommending that the habeas petition be denied and the action dismissed without prejudice. Because neither party objected within the applicable period, the district court reviewed the recommendation for clear error, adopted it, denied the petition, and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

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

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA Johnny E. Silva, Case No. 25-CV-0044 (JMB/DTS) Petitioner, ORDER v. B. Eischen, Warden, Respondent. Johnny E. Silva, Duluth, MN, self-represented. Ana H. Voss and Ann M. Bildtsen, United States Attorney's Office, Minneapolis, MN, for Respondent B. Eischen. This matter is before the Court on the Report and Recommendation (R&R) of United States Magistrate Judge David T. Schultz dated October 10, 2025.

(Doc. No. 12.) The R&R recommends that Petitioner Johnny E. Silva's habeas petition be denied and that this matter be dismissed without prejudice. (See Doc. No. 1.) Neither party has objected to the R&R, and the time to do so has now passed. See D. Minn. L.R. 72.2(b)(1).

In the absence of timely objections, the Court reviews the R&R 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 the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT: 1.

The R&R (Doc. No. 12) is ADOPTED. 2. The Petition is DENIED. 3. This action is DISMISSED WITHOUT PREJUDICE. LET JUDGMENT BE ENTERED ACCORDINGLY. Dated: April 1, 2026 /s/ Jeffrey M. Bryan Judge Jeffrey M. Bryan United States District Court