

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.

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