

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

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