

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

Santos Cuevas v. Tyrell Davis

Cuevas · No. 1:25-cv-00661-BLW · Decided March 3, 2026

SUMMARY

The United States District Court for the District of Idaho conducts an initial review of Santos Cuevas’s habeas corpus petition and addresses several pending motions. The court denies recusal, requires an amended petition complying with Habeas Rule 2(d) and clarification of the status of the challenged Idaho conviction and sentence, and orders Petitioner to pay the filing fee or seek in forma pauperis status. Several other motions, including requests for appointed counsel, removal of the clerk, scheduling, and severance, are denied or denied without prejudice.

CASE DETAILS

COURT	United States District Court for the District of Idaho
WRITING FOR THE COURT	Deborah K. Grasham
JURISDICTION	United States District Court for the District of Idaho
DECIDED	March 3, 2026
DOCKET	1:25-cv-00661-BLW
DISPOSITION	other
PROCEDURAL POSTURE	Initial review of a pro se petition for writ of habeas corpus under 28 U.S.C. § 2254, together with motions for recusal, amendment, appointment of counsel, removal of the clerk, magistrate-judge jurisdiction, scheduling, and other relief.
STANDARD OF REVIEW	Under 28 U.S.C. § 2243 and Habeas Rule 4, the court reviews a habeas petition upon receipt and may summarily dismiss it when the petition and attached exhibits plainly show that the petitioner is not entitled to relief. Recusal is evaluated under 28 U.S.C. §§ 144 and 455.
PRECEDENTIAL VALUE	Unpublished district court initial review order; persuasive value only.
PARTIES	Santos Cuevas v. Tyrell Davis

TOPICS

- federal habeas corpus
- subject matter jurisdiction
- pleadings
- motion to amend
- civil procedure

PRACTICE AREAS

Federal habeas corpus

Judicial disqualification and recusal

Federal civil procedure

QUESTIONS PRESENTED

1. Whether the assigned district judge was required to recuse under 28 U.S.C. §§ 144 or 455 based on the reassignment of the case and Cuevas's allegations of bias.
2. Whether the petition complied with Habeas Rule 2(d).
3. Whether the court had subject matter jurisdiction under 28 U.S.C. § 2254(a) when the status of the challenged Idaho conviction and sentence was unclear.
4. What procedural relief and deadlines were appropriate to permit Cuevas to submit an amended petition.

HOLDINGS

1. Recusal was not required because Cuevas did not present a viable legal theory or supporting evidence showing disqualifying bias, prejudice, or an objectively reasonable basis to question the judge's impartiality.
2. The petition did not comply with Habeas Rule 2(d), and Cuevas was required to file an amended petition substantially following the prescribed federal or local habeas form.
3. A petitioner must be in custody pursuant to the state-court judgment being challenged when the habeas petition is filed; if the challenged sentence has already been fully served, the federal court lacks subject matter jurisdiction over a petition directed solely at that conviction or sentence.

KEY QUOTATIONS

“Summary dismissal is appropriate where “it plainly appears from the face of the petition and any attached exhibits that the petitioner is not entitled to relief in the district court.””

“Such alleged errors are “the basis for appeal, not recusal.””

“Habeas relief is not available if the petitioner is not “in custody pursuant to the judgment of a State court” at the time he filed the petition.”

FACTUAL BACKGROUND

Santos Cuevas, an Oregon Department of Correction inmate, filed a § 2254 petition challenging an Idaho conviction or sentence, but the filing did not substantially follow the required habeas-petition form. The record also did not clearly establish whether Cuevas had completed the Idaho sentence before filing the petition. Cuevas sought recusal based principally on the reassignment of the case from a magistrate judge to the district judge and filed several additional motions.

PROCEDURAL HISTORY

Cuevas filed a petition for writ of habeas corpus while incarcerated in the custody of the Oregon Department of Correction. The case was initially assigned to a magistrate judge and was reassigned to the district judge because

the parties had not all consented to magistrate-judge jurisdiction. On initial review, the court denied the recusal request, granted the motion to amend in part, required an amended petition and payment of the filing fee or an application to proceed in forma pauperis, and denied the remaining motions as specified in the order.

DISPOSITION

other

CASES CITED

- In re Focus Media, Inc., 378 F.3d 916, 930 (9th Cir. 2004)
- Maleng v. Cook, 490 U.S. 488, 490–91 (1989) (per curiam)
- Lackawanna County District Attorney v. Coss, 532 U.S. 394, 401 (2001)

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