

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Luis Munoz Menco v. United States of America

No. 25-cv-4238 (ECT/LIB), United States District Court for the District of Minnesota (December 30, 2025)

SUMMARY

The United States District Court for the District of Minnesota accepted a magistrate judge's Report and Recommendation after no party objected. The court dismissed Luis Munoz Menco's petition for a writ of habeas corpus without prejudice for failure to prosecute.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Eric C. Tostrud
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	December 30, 2025
DOCKET	25-cv-4238 (ECT/LIB)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation concerning a petition for a writ of habeas corpus. No party objected to the Report and Recommendation.
STANDARD OF REVIEW	Clear-error review of an unobjected-to Report and Recommendation.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Luis Munoz Menco v. United States of America

TOPICS

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

PRACTICE AREAS

- Federal habeas corpus
- Civil procedure
- Post-conviction relief

QUESTIONS PRESENTED

- Whether the district court should accept the unobjected-to Report and Recommendation after reviewing it for clear error.

2. Whether the habeas petition should be dismissed without prejudice for failure to prosecute.

HOLDINGS

1. When no party objects to a magistrate judge's Report and Recommendation, the district court reviews the recommendation for clear error.
2. The district court accepted the Report and Recommendation and dismissed the petition for a writ of habeas corpus without prejudice for failure to prosecute.

KEY QUOTATIONS

“Plaintiff’s Petition for a Writ of Habeas Corpus [ECF No. 1] is DISMISSED WITHOUT PREJUDICE for failure to prosecute.”

FACTUAL BACKGROUND

Luis Munoz Menco filed a petition for a writ of habeas corpus. The matter was referred to Magistrate Judge Leo I. Brisbois, who issued a Report and Recommendation recommending disposition. No party objected to the recommendation.

PROCEDURAL HISTORY

Magistrate Judge Leo I. Brisbois issued a Report and Recommendation on December 4, 2025. Because no party objected, the district court reviewed the recommendation for clear error, found none, accepted it, and dismissed the petition without prejudice for failure to prosecute.

DISPOSITION

dismissed

CASES CITED

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

OPINION

Luis Munoz Menco v. United States of America

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

Luis Munoz Menco, File No. 25-cv-4238 (ECT/LIB) Petitioner,

v. ORDER ACCEPTING REPORT

AND RECOMMENDATION

United States of America, Respondent. Magistrate Judge Leo I. Brisbois issued a Report and Recommendation on December 4, 2025. ECF No. 6. No party has objected to that Report and Recommendation, 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 on all the files, records, and proceedings in the above-captioned matter, IT IS ORDERED THAT:

1. The Report and Recommendation [ECF No. 6] is ACCEPTED; and

2. Plaintiff's Petition for a Writ of Habeas Corpus [ECF No. 1] is DISMISSED

WITHOUT PREJUDICE for failure to prosecute. LET JUDGMENT BE ENTERED ACCORDINGLY. Dated: December 30, 2025 s/ Eric C. Tostrud Eric C. Tostrud United States District Court