UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

SHAVELLE OSCAR CHAVEZ-NELSON, Case No. 17-CV-4098 (PJS/SER)

Petitioner,

v. ORDER

GOVERNOR TIM WALZ and
COMMISSIONER OF CORRECTIONS
PAUL SCHNELL,

Respondents.

On January 25, 2019 the Court issued an order denying petitioner Shavelle Oscar Chavez-Nelson's petition for a writ of habeas corpus under 28 U.S.C. § 2254. *See* ECF No. 32. This matter is before the Court on Chavez-Nelson's motion to alter or amend the Court's prior order. *See* ECF No. 34. Chavez-Nelson argues that the Court "did not address [various] objections" he made to Magistrate Judge Steven Rau's Report and Recommendation ("R&R") and therefore did not conduct a de novo review. *Id.* at 2.

Chavez-Nelson is mistaken. As the Court clearly stated in its prior order, it *did* conduct a de novo review. *See* ECF No. 32 at 2 ("The Court has conducted a de novo review."). Conducting a de novo review does not mean that the Court must comment on every objection made to an R&R. When the Court concludes—after a de novo review—that the R&R adequately addresses a litigant's argument, the Court need not repeat what the magistrate judge said about that argument. Instead, the Court can

simply adopt the R&R. *See United States v. Ginn*, 465 Fed. App'x 585, 587-88 (8th Cir. 2012); *see also Shelton v. Chater*, 87 F.3d 992, 996 (8th Cir. 1996).

That is what occurred in this case. Following a de novo review, the Court found that it agreed with Judge Rau, so the Court adopted his R&R. As to some issues, the Court wanted to add additional explanation, and the Court provided that explanation in an 18-page order. As to other issues, the Court had nothing to add to what Judge Rau said in the R&R. Chavez-Nelson received the de novo review to which he was entitled.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT:

1. Petitioner Shavelle Oscar Chavez-Nelson's motion to alter or amend judgment [ECF No. 34] is DENIED.

Dated: February 27, 2019

s/Patrick J. Schiltz
Patrick J. Schiltz
United States District Judge