

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 26-1135

In re: United States of America

Petitioner

Appeal from U.S. District Court for the District of Minnesota
(0:26-mj-00040-JMB)

JUDGMENT

Before KELLY, GRASZ, and KOBES, Circuit Judges.

Having considered the arguments of the United States and the response and supplemental response of the Chief Judge of the United States District Court for the District of Minnesota, the Emergency Petition for Writ of Mandamus or Issuance of Arrest Warrants is hereby denied. The mandate shall issue forthwith.

GRASZ, Circuit Judge, concurring in the judgment.

I would deny the Emergency Petition, without prejudice, on the basis that while the district court has acknowledged it has authority to review the magistrate's refusal to sign the warrants, *see* 28 U.S.C. § 636 (b)(1)(A) ("A judge of the court may reconsider any pretrial matter under this subparagraph"), the Complaint and Affidavit clearly establish probable cause for all five arrest warrants, and while there is no discretion to refuse to issue an arrest warrant once probable cause for its issuance has been shown, *Ex Parte United States*, 287 U.S. 241 (1932); *see*

also United States v. Santtini, 963 F.2d 585, 593-596 (3d Cir. 1992), the government has failed to establish that it has no other adequate means of obtaining the requested relief.

January 23, 2026

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler