



CIRCUIT COURT OF OREGON  
THIRD JUDICIAL DISTRICT  
MARION COUNTY COURTHOUSE  
P.O. BOX 12869  
SALEM, OR 97309-0869

TRACY A. PRALL  
*Circuit Court Judge*  
(503) 588-5030  
Fax: (503) 588-5109

APP-2 [Appendix-2]

August 21, 2025

Santos Cuevas  
OSP SID #11207100  
2605 state Street  
Salem, OR 97310

Matthew Maile  
Oregon Department of Justice  
1162 Court St NE  
Salem, OR 97301

RE: ***Santos Cuevas v. Corey Fhuere***  
Marion County Circuit Court Case No. 25CV29554

Mr. Cuevas and Mr. Maile,

I am in receipt of plaintiff's Motion to Disqualify Judge Bureta. I have reviewed the matter and make the following factual findings:

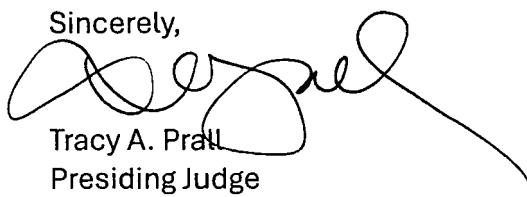
- Plaintiff's Petition for Writ of Habeas Corpus was filed on May 15, 2025.
- Judge Geyer issued an Order to Show Cause directing the defendant to appear and show cause why the writ prayed for should not be allowed on May 21, 2025.
- Plaintiff moved to disqualify Judge Geyer on June 2, 2025.
- The defendant filed a Response and Motion to Deny on June 4, 2025.
- The court allowed the Motion to Disqualify Judge Geyer on June 9, 2025, and Judge Bureta was immediately assigned.
- Because the Response and Motion to Deny was filed on June 4, 2025, the court was required to issue an opinion by June 11, 2025, pursuant to ORS 34.370 (2)(b).
- Judge Bureta issued her opinion on June 10, 2025.
- Judge Bureta's opinion letter was mailed to the plaintiff on June 11, 2025.

- Plaintiff's Reply to defendant's Response and Motion to Deny was signed June 11, 2025. The court received plaintiff's Reply on June 18, 2025, and entered it into Odyssey that same day.
- Defendant submitted a proposed Order Denying the Petition for Writ of Habeas Corpus and the General Judgement of Dismissal to the court on July 28, 2025. Both documents included a Certificate of Readiness indicating the documents were ready for court signature as they had been served on each party entitled to service and no objection had been received. Both documents also included a Certificate of Service indicating the documents had been served on plaintiff by mail on July 28, 2025.
- Judge Bureta signed the Order Denying the Petition for Writ of Habeas Corpus and the General Judgment of Dismissal on July 28, 2025.
- The court received plaintiff's Motion to Disqualify Judge Bureta on July 28, 2025, and entered it into Odyssey on July 29, 2025.

The court finds you did not have notice of Judge Bureta assignment to this case prior to her ruling on defendant's Motion to Deny and you attempted to have her disqualified prior to her signing the Order and Judgment. The statutory timeline set out in ORS 34.370 (2)(b) does not allow sufficient time for the court to notify in-custody petitioners of a second judge assignment. The court further finds the defendant's failed to wait the required 7 days prior to submitting the Order and Judgment for signature, thus depriving you of an opportunity to object to the form of the documents.

Therefore, the court makes the following rulings:

- The Order Denying the Petition for Writ of Habeas Corpus shall be **VACATED**.
- The General Judgement of Dismissal shall be **VACATED**.
- Plaintiff's Motion to Disqualify Judge Bureta is **GRANTED**.
- The court finds **good cause to extend** the seven-day deadline set out in ORS 34.370(2)(d) for the court to rule on defendant's motion.
- This case shall be **assigned to Judge Natasha Zimmerman** who will rule on defendant's Motion to Deny within 14 days.

Sincerely,  
  
Tracy A. Prall  
Presiding Judge

TAP:cdh

# Appendix 6

## U.S. District Court

## District of Oregon

### Notice of Electronic Filing

The following transaction was entered on 9/15/2022 at 7:22 AM PDT and filed on 9/15/2022

Case Name: Cuevas v. Kelly

Case Number: 6:22-cv-00854-CL

Filer:

**WARNING: CASE CLOSED on 07/07/2022**

Document Number: 16 (No document attached)

Docket Text:

**ORDER:** In response to the Ninth Circuit's Order dated September 7, 2022, this Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right, and therefore DENIES a Certificate of Appealability. See 28 U.S.C. § 2253(c)(2). Ordered by Judge Ann L. Aiken. (*Deposited in outgoing mail to pro se party on 9/15/2022.*) (ck)

**Additional material  
from this filing is  
available in the  
Clerk's Office.**