

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Christopher Eugene Sims v. State of Oklahoma

Sims · No. CIV-25-1404-HE · Decided January 20, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma adopts a magistrate judge’s Report and Recommendation and dismisses Christopher Eugene Sims’s action without prejudice. The dismissal is based on Sims’s failure to comply with an order to cure deficiencies and failure to object to the Report and Recommendation.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Joe Heaton
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	January 20, 2026
DOCKET	CIV-25-1404-HE
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. After a magistrate judge recommended dismissal without prejudice for failure to comply with an order to cure deficiencies, the district court adopted the recommendation and dismissed the action without prejudice under Federal Rule of Civil Procedure 41(b).
STANDARD OF REVIEW	The court treated the failure to file timely objections as a waiver of appellate review of the factual and legal issues addressed in the Report and Recommendation.
PRECEDENTIAL VALUE	unpublished

TOPICS

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

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether petitioner's failure to file timely objections to the Report and Recommendation waived appellate review of the factual and legal issues addressed in it.
2. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) for failure to comply with the court's order to cure deficiencies.

HOLDINGS

1. A party who fails to timely object to a magistrate judge's Report and Recommendation waives appellate review of the factual and legal issues addressed in the recommendation.
2. The court may dismiss an action without prejudice under Federal Rule of Civil Procedure 41(b) when the petitioner fails to comply with the court's order to cure deficiencies.
3. Papers sent by the court are deemed delivered when sent to the last known address provided to the court, even if returned as undeliverable.

KEY QUOTATIONS

“Papers sent by the court will be deemed delivered if sent to the last known address given to the court.”

FACTUAL BACKGROUND

Petitioner failed to comply with the district court's order directing him to cure deficiencies in his habeas action. The magistrate judge issued a Report and Recommendation recommending dismissal without prejudice. Although the recommendation was returned as undeliverable, it was sent to petitioner's last known address, and petitioner filed no objection by the January 12, 2026 deadline.

PROCEDURAL HISTORY

On December 22, 2025, Magistrate Judge Amanda L. Maxfield issued a Report and Recommendation recommending dismissal because petitioner failed to comply with the court's order to cure deficiencies. Petitioner did not timely object. The district court determined that the lack of objection waived appellate review of the factual and legal issues addressed in the recommendation, adopted the recommendation, and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA CHRISTOPHER EUGENE SIMS,)) Petitioner,)) -vs-) NO. CIV-25-1404-HE)

STATE OF OKLAHOMA,)) Respondent(s).) ORDER On December 22, 2025, United States Magistrate Judge Amanda L. Maxfield issued a Report and Recommendation [Doc. #8] recommending dismissal of this action, without prejudice to re-filing, due to petitioner's failure to comply with the court's order to cure deficiencies.

Judge Maxfield advised petitioner of the right to object to the Report and Recommendation as well as the consequences for failure to timely object. Any objection was due on or before January 12, 2026. To date, no objection has been filed.¹ Petitioner therefore has waived the right to appellate review of the factual and legal issues addressed in the Report and Recommendation.

See *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). ¹ The court's docket reflects the Report and Recommendation was returned as "Attempted-Not Known Unable to Forward." [Doc. # 9]. However, pursuant to LCvR5.4, "[p]apers sent by the court will be deemed delivered if sent to the last known address given to the court." Accordingly, the court ADOPTS the Report and Recommendation [Doc. # 8].

This action is DISMISSED WITHOUT PREJUDICE, pursuant to Fed. R. Civ. P. 41(b), for petitioner's failure to comply with the court's order to cure deficiencies. A separate judgment will be entered. IT IS SO ORDERED. Dated this 20th day of January, 2026. IEE AION STATES DISTRICT JUDGE