

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION

Richard Curtis v. Jessica Little, et al.

Curtis · No. 1:20-cv-543 · Decided January 8, 2026

SUMMARY

The United States District Court for the Southern District of Ohio adopted the Magistrate Judge’s Report and Recommendation and denied Richard Curtis’s letter motion to re-file his previously dismissed complaint, reopen the action, or obtain relief from judgment under Federal Rule of Civil Procedure 60(b). Because Curtis filed no objections, the court reviewed the recommendation for clear error and found none.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division
WRITING FOR THE COURT	Susan J. Dlott
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division
DECIDED	January 8, 2026
DOCKET	1:20-cv-543
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought to re-file his previously dismissed complaint or obtain relief from the judgment under Federal Rule of Civil Procedure 60(b). The motion was referred to a magistrate judge, who recommended denial. The district court adopted the Report and Recommendation and denied the motion.
STANDARD OF REVIEW	When no specific objection is made to a magistrate judge's report and recommendation, a district court is not required to conduct an independent review. The court additionally found no clear error in the Report and Recommendation.
PRECEDENTIAL VALUE	Unpublished district court order; limited precedential value.
PARTIES	Richard Curtis v. Jessica Little, et al.

TOPICS

motion for reconsideration

remedies

civil procedure

PRACTICE AREAS

civil procedure

federal courts

post-judgment relief

QUESTIONS PRESENTED

1. Whether the district court should independently review a magistrate judge's Report and Recommendation when the plaintiff filed no objections.
2. Whether the plaintiff was entitled to re-file the previously dismissed complaint, re-open the action, or obtain relief from judgment under Federal Rule of Civil Procedure 60(b).

HOLDINGS

1. A district court is not required to independently review a magistrate judge's Report and Recommendation when no objection is filed within the prescribed period; the court may nevertheless review the recommendation for clear error.
2. The plaintiff was not entitled to re-file the previously dismissed complaint, re-open the action, or obtain relief from judgment under Rule 60(b).

KEY QUOTATIONS

“The Court will not re-file the Complaint, re-open this action, or grant Plaintiff relief from judgment.”

FACTUAL BACKGROUND

Curtis's complaint was dismissed on the merits with prejudice in September 2020. More than five years later, he submitted a letter seeking to re-file the initial complaint or obtain relief from the judgment under Rule 60(b). The district court found no legal or factual basis for the requested relief.

PROCEDURAL HISTORY

Curtis filed the action in July 2020. The district court dismissed the complaint on the merits with prejudice on September 15, 2020. Curtis later submitted a letter construed as a motion to re-file the complaint or for relief from judgment under Rule 60(b). After the magistrate judge recommended denial, Curtis filed no objections, and the district court adopted the recommendation and denied the motion.

DISPOSITION

other

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 152 (1985)
- Roane v. Warden of Corr. Reception Ctr., No. 2:22-CV-2768, 2022 WL 16535903, at *1 (S.D. Ohio Oct. 28, 2022)

- *Lassiter v. Dullaghan*, No. 1:10-CV-010, 2011 WL 110259, at *1 (S.D. Ohio Jan. 13, 2011)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION Richard Curtis:: Case No. 1:20-cv-543 Plaintiff,: v.: Judge Susan J. Dlott
Jessica Little, et al.,:: Order Defendants.: Plaintiff initiated this lawsuit more than five years ago in
July 2020. (Doc. 1.)

The Court dismissed the Complaint on the merits with prejudice on September 15, 2020. (Docs. 3, 6.) Now, more than five years later, Plaintiff has filed a letter to the Clerk of Court that the Court has construed as a motion to re-file the initial Complaint or for relief from judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. (Doc. 8.)

The Magistrate Judge has issued a Report and Recommendation recommending that the Court deny Plaintiff's motion, essentially as lacking a basis in law or fact. (Doc. 10.) Plaintiff did not file an objection to the Report and Recommendation, and the time for doing so has passed. Title 28 U.S.C. § 636(b)(1)(B) & (C) and Federal Rule of Civil Procedure 72(b)(1) authorize magistrate judges to make recommendations concerning dispositive motions that have been referred to them.

Parties then have fourteen days to make, file, and serve specific written objections to the report and recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). A district court is not required to independently review a report and recommendation to which no objection is made. See *Thomas v. Arn*, 474 U.S. 140, 152 (1985). But some district courts follow the Advisory Committee Notes to Rule 72(b) and review the report and recommendation for clear error.

See e.g., *Roane v. Warden of Corr. Reception Ctr.*, No. 2:22-CV-2768, 2022 WL 16535903, at *1 (S.D. Ohio Oct. 28, 2022); *Lassiter v. Dullaghan*, No. 1:10-CV-010, 2011 WL 110259, at *1 (S.D. Ohio Jan. 13, 2011). The Court finds no clear error in the Magistrate Judge's well-reasoned Report and Recommendation.

The Court will not re-file the Complaint, re-open this action, or grant Plaintiff relief from judgment. The Report and Recommendation (Doc. 10) is ADOPTED and the Plaintiff's letter motion (Doc. 8) is DENIED. IT IS SO ORDERED. BY THE COURT: S/Susan J. Dlott Susan J. Dlott United States District Judge