

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Whitney Shepard v. Elliot Ellinger, et al.

Shepard · No. 25-2254-DDC-TJJ · Decided January 30, 2026

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS WHITNEY SHEPARD, Plaintiff, Case No. 25-2254-DDC-TJJ v. ELLIOT ELLINGER, et al., Defendants. MEMORANDUM AND ORDER Before the court is United States Magistrate Judge Teresa J. James's Report and Recommendation (Doc. 41). Judge James recommends that the court remand this case to the District Court of Wyandotte County, Kansas.

Id. at 13. She explains that, having granted plaintiff Whitney Shepard leave to amend her Complaint and add non-diverse defendants, the court no longer has jurisdiction under 28 U.S.C. § 1332. Id.; see also Doc. 42 (Am. Compl.).

The parties received notice of their right to file an objection to the Report and Recommendation within 14 days of its service under 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(2). Doc. 41 at 1. The Report and Recommendation also explained that a party, to secure appellate review, must file any objections within the fourteen-day period. Id. The court issued the Report and Recommendation on October 14, 2025.

Id. No party has objected. Nor has any party sought an extension of time to file an objection. And so, the court now can accept, adopt, and affirm the Report and Recommendation. And it does so. See *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) ("In the absence of timely objection, the district court may review a magistrate's report under any standard it deems appropriate."); see also *Garcia v. City of Albuquerque*, 232 F.3d 760, 766–67 (10th Cir.

2000) (explaining under Fed. R. Civ. P. 72(b) a district court must make a de novo determination only for those portions of the report and recommendation to which a party specifically has objected). Having reviewed Judge James's Report and Recommendation (Doc. 41), the court determines that Judge James's analysis and conclusions are sound.

The court thus adopts Judge James's recommendation and remands this case to the District Court of Wyandotte County, Kansas under 28 U.S.C. § 1447(c). This adoption also moots plaintiff's pending Motion to Remand (Doc. 65). IT IS THEREFORE ORDERED BY THE COURT THAT the case be remanded to the District Court of Wyandotte County, Kansas under 28 U.S.C. § 1447(c).

AND IT IS FURTHER ORDERED BY THE COURT THAT the Report and Recommendation issued by United States Magistrate Judge Teresa J. James on October 14, 2025 (Doc. 41) is

ACCEPTED, ADOPTED, and AFFIRMED. AND IT IS FURTHER ORDERED BY THE COURT THAT plaintiff's Motion to Remand (Doc. 65) is dismissed as moot. IT IS SO ORDERED. Dated this 29th day of January, 2026, at Kansas City, Kansas. s/ Daniel D. Crabtree Daniel D. Crabtree
United States District Judge

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