

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Anita Sue Gonzalez v. Oklahoma County Criminal Justice Authority,
et al.

Gonzalez · No. CIV-25-742-PRW · Decided December 19, 2025

SUMMARY

The United States District Court for the Western District of Oklahoma adopted a magistrate judge’s Report and Recommendation concerning Defendant Turn Key Health Clinics’ motion to dismiss. The court found that Plaintiff stated an Eighth Amendment claim but dismissed without prejudice her state-law negligence claim against Turn Key, concluding that amendment would be futile.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Patrick R. Wyrick
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	December 19, 2025
DOCKET	CIV-25-742-PRW
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation addressing Defendant Turn Key Health Clinics' motion to dismiss. Neither party timely objected to the Report and Recommendation.
STANDARD OF REVIEW	In the absence of timely objections to the Report and Recommendation, the district court reviewed the record for plain error on its face.
PRECEDENTIAL VALUE	unknown

TOPICS

- motions to dismiss
- pleadings
- civil procedure
- negligence
- sovereign immunity

PRACTICE AREAS

- civil procedure
- civil rights
- constitutional law
- negligence
- remedies

QUESTIONS PRESENTED

1. What standard of review applies when the parties do not timely object to a magistrate judge's Report and Recommendation?
2. Whether Turn Key's motion to dismiss Plaintiff's state-law negligence claim should be granted.
3. Whether dismissal of the state negligence claim should be without prejudice where Plaintiff had not previously attempted to amend the complaint.

HOLDINGS

1. When neither party timely objects to a magistrate judge's Report and Recommendation, the district court may review the recommendation for plain error on the face of the record.
2. Turn Key's motion to dismiss Plaintiff's state-law negligence claim was granted, and the claim was dismissed without prejudice.
3. The motion to dismiss was denied in part as to Plaintiff's federal claim because Plaintiff stated a valid Eighth Amendment claim against Turn Key for deliberate indifference to serious medical needs and unconstitutional conditions of confinement.

KEY QUOTATIONS

“But a court should only dismiss “a pro se complaint for failure to state a claim” where “it would be futile to give him an opportunity to amend.””

FACTUAL BACKGROUND

Plaintiff Anita Sue Gonzalez asserted a federal Eighth Amendment claim and a state-law negligence claim against Turn Key Health Clinics in connection with alleged medical-care and confinement conditions. The magistrate judge concluded that Plaintiff stated a viable federal claim for deliberate indifference to serious medical needs and unconstitutional conditions of confinement, but recommended dismissal of the state negligence claim based on immunity under the Oklahoma Governmental Tort Claims Act. The district court additionally determined that amendment of the state negligence claim would be futile.

PROCEDURAL HISTORY

Magistrate Judge Shon Erwin recommended denying in part Turn Key's motion to dismiss Plaintiff's federal claim and granting the motion as to Plaintiff's state negligence claim. After the objection deadline passed without objections, the district court reviewed the recommendation for plain error, adopted it, granted in part and denied in part the motion to dismiss, and dismissed the state negligence claim without prejudice.

DISPOSITION

other

CASES CITED

- United States v. One Parcel of Real Prop., 73 F.3d 1057, 1059-60 (10th Cir. 1996)

- Summers v. State of Utah, 927 F.2d 1165, 1167-68 (10th Cir. 1991)
- Gray v. Geo Grp., Inc., 727 F. App'x 940, 946 (10th Cir. 2018)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA ANITA SUE GONZALEZ,)) Plaintiff,)) v.) Case No. CIV-25-742-PRW) OKLAHOMA COUNTY CRIMINAL) JUSTICE AUTHORITY, et al.,)) Defendants.) ORDER On October 31, 2025, United States Magistrate Judge Shon Erwin issued a Report and Recommendation (Dkt. 19) in this action, in which he recommends that the Court (1) deny in part Defendant Turn Key Health Clinics' Motion to Dismiss (Dkt.

8) Plaintiff's federal claim and find Plaintiff has stated a valid Eighth Amendment claim against Defendant Turnkey for deliberate indifference to serious medical needs and unconstitutional conditions of confinement and (2) grant Defendant's Motion insofar as it seeks to dismiss the state negligence claim. Judge Erwin advised the parties of their right to object to the Report and Recommendation by November 17, 2025, in accordance with 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72, and that failure to make a timely objection would waive any right to appellate review of the factual and legal issues addressed in the Report and Recommendation.

To date, neither party has filed an objection. They both have therefore waived their right to appellate review of the Report and Recommendation.¹ In the absence of a timely objection, the Court reviews the Report and Recommendation to confirm that there is no plain error on the face of the record.² Having done so, the Court agrees with Judge Erwin's analysis and conclusions.

Judge Erwin recommends that the Court dismiss Plaintiff's state negligence claim against Turn Key because it is immune under the Oklahoma Governmental Tort Claims Act."³ But a court should only dismiss "a pro se complaint for failure to state a claim" where "it would be futile to give him an opportunity to amend."⁴ While Plaintiff has not yet attempted to amend her complaint, the Report and Recommendation does not address whether such amendment would be futile.

In light of that, the Court finds that it would be futile to give Plaintiff an opportunity to amend her complaint as to her state negligence claim against Turn Key. Accordingly, the Court ADOPTS the Report and Recommendation (Dkt. 19), DENIES IN PART and GRANTS IN PART Defendant Turn Key's Motion to Dismiss (Dkt. 8), and DISMISSES WITHOUT PREJUDICE Plaintiff's state law negligence claim against Defendant Turn Key.

¹ United States v. One Parcel of Real Prop., 73 F.3d 1057, 1059–60 (10th Cir. 1996). ² Summers v. State of Utah, 927 F.2d 1165, 1167–68 (10th Cir. 1991) ("In the absence of timely objection, the district court may review a magistrate's report under any standard it deems appropriate."). ³ R. & R. (Dkt. 19), at 20. ⁴ Gray v. Geo Grp., Inc., 727 F. App'x 940, 946 (10th Cir.

2018). IT IS SO ORDERED this 19th day of December 2025. PATRICK R. WYRICK UNITED STATES DISTRICT JUDGE

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