

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)

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