

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Paul Kristen Mitchell v. Tommy Sharp

No. CIV-26-00163-JD (W.D. Okla. Mar. 12, 2026) · No. CIV-26-00163-JD · Decided March 12, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma adopts the magistrate judge’s Report and Recommendation after the petitioner failed to object by the deadline. The court denies the petitioner’s motion to proceed in forma pauperis and orders payment of the \$5.00 filing fee within 21 days, warning that failure to pay will result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	March 12, 2026
DOCKET	CIV-26-00163-JD
DISPOSITION	other
PROCEDURAL POSTURE	Order adopting a magistrate judge's Report and Recommendation concerning Petitioner's motion for leave to proceed in forma pauperis.
STANDARD OF REVIEW	The court adopted the Report and Recommendation after no timely objection was filed; under the cited Tenth Circuit firm-waiver rule, failure to timely object waives appellate review of factual and legal questions.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Paul Kristen Mitchell v. Tommy Sharp

TOPICS

civil procedure

PRACTICE AREAS

habeas corpus in forma pauperis proceedings federal civil procedure

QUESTIONS PRESENTED

1. Whether the court should adopt the Report and Recommendation when no timely objection was filed.
2. Whether Mitchell's motion for leave to proceed in forma pauperis should be denied and the \$5.00 filing fee ordered paid.

HOLDINGS

1. When no timely objection is filed to the magistrate judge's Report and Recommendation, the district court may accept and adopt it in its entirety.
2. Mitchell's motion for leave to proceed in forma pauperis is denied, and he must pay the \$5.00 filing fee in full within twenty-one days of the order.

KEY QUOTATIONS

“The Court therefore ACCEPTS and ADOPTS the Report and Recommendation [Doc. No. 5] in its entirety for the reasons stated therein.”

“Should Mr. Mitchell fail to comply with this Order and pay the \$5.00 filing fee to the Clerk of Court in full by the deadline of April 2, 2026, the Court will dismiss this action without prejudice, without further warning by the Court.”

FACTUAL BACKGROUND

Paul Kristen Mitchell sought leave to proceed in forma pauperis in this action. The Report and Recommendation advised him to object by March 2, 2026, but the record showed that he filed no objection and requested no extension by the deadline.

PROCEDURAL HISTORY

Judge Chris M. Stephens recommended denying Mitchell's motion to proceed in forma pauperis and requiring payment of the \$5.00 filing fee within twenty-one days. No timely objection or request for an extension was filed, so the district court adopted the Report and Recommendation in its entirety, denied in forma pauperis status, and ordered payment of the filing fee.

DISPOSITION

other

CASES CITED

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