

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Trenton Espinoza v. Officer C. Gulickson, et al.

Espinoza · No. CIV-25-1149-HE · Decided January 8, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma adopted a magistrate judge’s Report and Recommendation after the plaintiff failed to object within the extended deadline. The court dismissed the complaint without prejudice and struck pending motions as moot.

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	January 8, 2026
DOCKET	CIV-25-1149-HE
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal of the complaint without prejudice. After the plaintiff failed to object despite notice and an extended deadline, the district court adopted the recommendation and dismissed the complaint.
STANDARD OF REVIEW	The district court treated the failure to object to the Report and Recommendation as a waiver of appellate review of the factual and legal issues addressed in the recommendation.
PRECEDENTIAL VALUE	Unknown
PARTIES	Trenton Espinoza v. Officer C. Gulickson, et al.

TOPICS

- appellate procedure
- waiver
- civil procedure
- motions to dismiss

PRACTICE AREAS

- civil procedure
- civil rights
- appellate procedure

QUESTIONS PRESENTED

1. Whether plaintiff's failure to object to the Report and Recommendation after receiving notice and an extended deadline waived appellate review of the factual and legal issues addressed in the recommendation.
2. Whether the district court should adopt the Report and Recommendation and dismiss the complaint without prejudice.
3. Whether the pending motions should be stricken as moot after dismissal of the complaint.

HOLDINGS

1. A plaintiff who fails to timely object to a Report and Recommendation, after being advised of the objection right and consequences of nonobjection, waives appellate review of the factual and legal issues addressed in the recommendation.
2. The district court adopted the magistrate judge's Report and Recommendation and dismissed plaintiff's complaint in its entirety without prejudice.
3. The pending motions were moot and were stricken following dismissal of the complaint.

KEY QUOTATIONS

“Plaintiff therefore has waived the right to appellate review of the factual and legal issues addressed in the Report and Recommendation.” (Order)

“Plaintiff's complaint, in its entirety, is DISMISSED WITHOUT PREJUDICE.” (Order)

FACTUAL BACKGROUND

Plaintiff Trenton Espinoza filed a complaint against Officer C. Gulickson and other defendants. A magistrate judge recommended dismissal of the complaint in its entirety without prejudice. Plaintiff changed his address, received an extension of the objection deadline after the Report and Recommendation was remailed, but filed no objection.

PROCEDURAL HISTORY

On November 6, 2025, Magistrate Judge Chris M. Stephens recommended that the complaint be dismissed in its entirety without prejudice and advised plaintiff of the right to object. After plaintiff filed a change of address, the court mailed the recommendation to the updated address and extended the objection deadline to December 29, 2025. Plaintiff filed no objection, so the district court adopted the Report and Recommendation, dismissed the complaint without prejudice, and struck the pending motions as moot.

DISPOSITION

dismissed

CASES CITED

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

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA TRENTON ESPINOZA,)) Plaintiff,)) -vs-) NO. CIV-25-1149-HE) OFFICER C. GULICKSON, et al.,)) Defendants.) ORDER On November 6, 2025, United States Magistrate Judge Chris M. Stephens issued a Report and Recommendation [Doc. #8], recommending plaintiff's complaint, in its entirety, be dismissed without prejudice.

He advised that adoption of the recommended ruling would moot the pending motions, [Doc. #2, Doc. #5, and Doc. #6]. In addition, Magistrate Judge Stephens specifically advised plaintiff of the right to object to the Report and Recommendation as well as the consequences for failure to timely object. Any objection was due by December 1, 2025.

On December 5, 2025, at the court's direction, an enter order [Doc. #10] was issued directing the clerk of the court to mail the Report and Recommendation to plaintiff at his updated address¹ and extending the deadline for plaintiff to file any objections to the Report and Recommendation to December 29, 2025. ¹ Plaintiff had filed a notice of change of address on November 17, 2025.

See [Doc. #9]. To date, plaintiff has not filed any objection. Plaintiff therefore has waived the right to appellate review of the factual and legal issues addressed in the Report and Recommendation. See Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991).

Accordingly, the court ADOPTS the Report and Recommendation [Doc. #8]. Plaintiff's complaint, in its entirety, is DISMISSED WITHOUT PREJUDICE. In light of the court's ruling, the pending motions [Doc. #2, Doc. #5, and Doc. #6] are STRICKEN as MOOT. A separate judgment will be entered. IT IS SO ORDERED. Dated this 8th day of January, 2026. ~ STATES DISTRICT JUDGE