

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Terry Dewayne Tabor v. Beckham County Detention Center, et al.

Tabor · No. CIV-25-851-PRW · Decided December 2, 2025

SUMMARY

The United States District Court for the Western District of Oklahoma adopts the magistrate judge’s Report and Recommendation and dismisses Terry Dewayne Tabor’s civil rights complaint without prejudice. The dismissal is based on Tabor’s failure to comply with court rules and timely pay the required initial partial filing fee, and his failure to object to the Report and Recommendation waives appellate review of the issues addressed therein.

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 2, 2025
DOCKET	CIV-25-851-PRW
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal without prejudice of Plaintiff's civil-rights complaint for failure to comply with court rules and timely pay the required initial partial filing fee. Plaintiff filed no timely objections.
STANDARD OF REVIEW	Under 28 U.S.C. § 636(b)(1), portions of a report and recommendation to which objections are made receive de novo review; absent objections, the district court may review the report under any standard it deems appropriate. The court held that the failure to object waived appellate review of the factual and legal issues addressed in the Report and Recommendation.
PRECEDENTIAL VALUE	unpublished
PARTIES	Terry Dewayne Tabor v. Beckham County Detention Center, et al.

TOPICS

appellate procedure

waiver

section 1983

prisoners rights

civil procedure

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

appellate procedure

QUESTIONS PRESENTED

1. Whether Plaintiff's failure to timely object to the magistrate judge's Report and Recommendation waived appellate review.
2. Whether the court should adopt the Report and Recommendation and dismiss the civil-rights Complaint without prejudice for failure to comply with court rules and pay the required initial partial filing fee.

HOLDINGS

1. A party who fails to timely object to a magistrate judge's Report and Recommendation waives appellate review of the factual and legal issues addressed in the recommendation.
2. The court adopted the Report and Recommendation in full and dismissed Plaintiff's Complaint without prejudice for failure to comply with court rules and timely pay the required \$2.01 initial partial filing fee.

FACTUAL BACKGROUND

Plaintiff was ordered to pay a \$2.01 initial partial filing fee but failed to do so. He instead filed affidavits and a motion to compel, and did not file objections to the magistrate judge's Report and Recommendation by the stated deadline.

PROCEDURAL HISTORY

Magistrate Judge Suzanne Mitchell recommended dismissal of the Complaint after Plaintiff failed to timely pay the \$2.01 initial partial filing fee. The district court found that Plaintiff's failure to object waived appellate review, adopted the Report and Recommendation in full, and dismissed the Complaint without prejudice; a separate judgment was to follow.

DISPOSITION

dismissed

CASES CITED

- United States v. One Parcel of Real Prop., 73 F.3d 1057, 1059-60 (10th Cir. 1996)
- 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 TERRY DEWAYNE TABOR,) Plaintiff,) v.) Case No. CIV-25-851-PRW)) BECKHAM COUNTY DETENTION) CENTER, et al.,) Defendants.) ORDER Before the Court is Magistrate Judge Suzanne Mitchell's Report and Recommendation (Dkt. 25), recommending the Court dismiss Plaintiff's civil rights Complaint (Dkt.

1), without prejudice because Plaintiff failed to comply with Court rules and timely pay the required \$2.01 initial partial filing fee. Despite failing to pay the filing fee as ordered, Plaintiff has filed a series of affidavits and a motion to compel. Plaintiff was advised that he had a right to object to the Report and Recommendation (Dkt. 25) by September 29, 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 (Dkt.

25). No objections have been filed as of this date. Having failed to object, Plaintiff has accordingly waived his right to appellate review of the factual and legal issues addressed in the Report and Recommendation (Dkt. 25).'

Accordingly, the Court ADOPTS the Report and Recommendation (Dkt. 25) in full and DISMISSES WITHOUT PREJUDICE Plaintiff's Complaint (Dkt. 1). A separate judgment will follow. IT IS SO ORDERED this 2nd day of December 2025. PATRICK R. WYRICK UNITED STATES DISTRICT JUDGE ' United States v. One Parcel of Real Prop., 73 F.3d 1057, 1059-60 (10th Cir. 1996); Moore v. United States, 950 F.2d 656, 659 (10th Cir.

1991); cf 28 U.S.C. § 636(b)(1) (requiring a district judge to "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made" but otherwise permitting a district judge to review the report and recommendations under any standard it deems appropriate).