

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Delmond Cozart v. Oklahoma State Reformatory

Cozart · No. CIV-26-183-J · Decided March 23, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma adopts a magistrate judge’s recommendation and denies Delmond Cozart’s application to proceed in forma pauperis in a 28 U.S.C. § 2241 habeas proceeding. The court directs him to pay the \$5.00 filing fee by April 13, 2026, or the petition will be dismissed without prejudice.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Bernard M. Jones II
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	March 23, 2026
DOCKET	CIV-26-183-J
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 and an application to proceed in forma pauperis. After referral, the magistrate judge recommended denial of in forma pauperis status because Petitioner had sufficient funds to pay the filing fee. Petitioner did not object.
STANDARD OF REVIEW	The district court reviewed the magistrate judge's Report and Recommendation under 28 U.S.C. § 636(b)(1)(B), (C). Because Petitioner filed no objection, he waived appellate review of the factual and legal issues addressed in the recommendation.
PRECEDENTIAL VALUE	Unknown
PARTIES	Delmond Cozart v. Oklahoma State Reformatory

TOPICS

- federal habeas corpus
- post-conviction relief
- civil procedure

PRACTICE AREAS

Federal habeas corpus

In forma pauperis proceedings

Magistrate judge recommendations

QUESTIONS PRESENTED

1. Whether the court should deny Petitioner's application to proceed in forma pauperis because he had sufficient funds to pay the filing fee.
2. Whether Petitioner's failure to object to the magistrate judge's Report and Recommendation waived appellate review of the factual and legal issues addressed in that recommendation.

HOLDINGS

1. A party who fails to object to a magistrate judge's Report and Recommendation by the prescribed deadline waives appellate review of the factual and legal issues addressed in the recommendation.
2. The application to proceed in forma pauperis was properly denied because Petitioner had sufficient funds to pay the \$5.00 filing fee.

FACTUAL BACKGROUND

Delmond Cozart, a state inmate proceeding pro se, filed a § 2241 habeas petition and sought leave to proceed in forma pauperis. The magistrate judge determined that Cozart had sufficient funds to pay the \$5.00 filing fee. Cozart did not object to the Report and Recommendation by the court-ordered deadline.

PROCEDURAL HISTORY

The matter was referred to Magistrate Judge Suzanne Mitchell for initial proceedings under 28 U.S.C. § 636(b)(1)(B), (C). The magistrate judge recommended denying the application to proceed in forma pauperis. The district court adopted the Report and Recommendation, denied the application, and ordered Petitioner to pay the \$5.00 filing fee by April 13, 2026, or face dismissal of the petition without prejudice.

DISPOSITION

other

CASES CITED

- Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010)

OPINION

Cozart

PER CURIAM.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF OKLAHOMA

DELMOND COZART,)

) Petitioner,)) v.) Case No. CIV-26-183-J)

OKLAHOMA STATE REFORMATORY,)

) Respondent.)

ORDER

Petitioner, a state inmate appearing pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 [Doc. No. 1] and an application for leave to proceed in forma pauperis [Doc. No. 2]. The matter was referred for initial proceedings to United States Magistrate Judge Suzanne Mitchell consistent with 28 U.S.C. § 636(b)(1)(B), (C). On review, Judge Mitchell recommends that the Court deny Petitioner's application on grounds that he has sufficient funds to pay the \$5.00 filing fee. [Doc. No. 6]. Despite being cautioned that he must file any objection no later than March 2, 2026, Petitioner did not object and has waived his right to appellate review of the factual and legal issues addressed in the Report and Recommendation. See *Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010). Accordingly, the Court ADOPTS the Report and Recommendation [Doc. No. 6] and DENIES Petitioner's application for leave to proceed in forma pauperis [Doc. No. 2]. If Petitioner does not pay the \$5.00 filing fee by April 13, 2026, the Court will dismiss his Petition without prejudice. IT IS SO ORDERED this 234 day of March, 2026. TR mm. 257

BERNARD M. JONES. II

UNITED STATES DISTRICT JUDGE