

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

James Walker v. Hadco Construction

Walker · No. 1:25-cv-00184-JCB · Decided February 9, 2026

SUMMARY

The United States District Court for the District of Utah adopted the magistrate judge’s Report and Recommendation after plaintiff James Walker failed to file an objection. The court denied Walker’s motion to proceed in forma pauperis and ordered him to pay the full filing fee within 14 days, warning that failure to do so would result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	Jill N. Parrish
JURISDICTION	United States District Court for the District of Utah
DECIDED	February 9, 2026
DOCKET	1:25-cv-00184-JCB
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation denying plaintiff's motion to proceed in forma pauperis. After plaintiff failed to object within the allotted time, the district court adopted the recommendation and ordered plaintiff to pay the filing fee.
PRECEDENTIAL VALUE	Unknown
PARTIES	James Walker v. Hadco Construction

TOPICS

civil procedure

PRACTICE AREAS

civil procedure in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether plaintiff's failure to object timely to the magistrate judge's Report and Recommendation waived objections to it.
2. Whether the district court should adopt the Report and Recommendation and deny plaintiff's motion to proceed in forma pauperis.
3. Whether plaintiff should be ordered to pay the full filing fee within fourteen days, subject to dismissal without prejudice for nonpayment.

HOLDINGS

1. A party's failure to file a timely objection to a magistrate judge's Report and Recommendation waives objections to the recommendation, absent a determination that the interests of justice require deviation from the waiver rule.
2. The Report and Recommendation was adopted in full, and James Walker's motion to proceed in forma pauperis was denied.
3. Plaintiff was ordered to pay the full filing fee by February 23, 2026; failure to do so would result in dismissal without prejudice.

KEY QUOTATIONS

"Because Mr. Walker did not object to the Report and Recommendation, any argument that it was in error has been waived."

"The court will decline to apply the waiver rule only if "the interests of justice so dictate.""

"Plaintiff James Walker's motion to proceed in forma pauperis, ECF No. 2, is DENIED."

FACTUAL BACKGROUND

James Walker filed a motion to proceed in forma pauperis in his action against Hadco Construction. Magistrate Judge Jared C. Bennett issued a Report and Recommendation recommending denial of the motion and warned Walker that failure to timely object could waive objections. Walker filed no objection within the allotted time.

PROCEDURAL HISTORY

Magistrate Judge Jared C. Bennett issued a Report and Recommendation recommending denial of James Walker's motion to proceed in forma pauperis. The court notified Walker that failure to timely object could waive objections, and no objection was filed. The district court found the objections waived, adopted the Report and Recommendation in full, denied the motion, and ordered payment of the filing fee within fourteen days, subject to dismissal without prejudice for nonpayment.

DISPOSITION

other

CASES CITED

- United States v. One Parcel of Real Prop., 73 F.3d 1057, 1060 (10th Cir. 1996)
- Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991)

OPINION

Walker

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

JAMES WALKER, ORDER ADOPTING REPORT AND

RECOMMENDATION, DENYING IFP

Plaintiff, MOTION, AND ORDERING THE

PLAINTIFF TO PAY THE FILING FEE

v. WITHIN 14 DAYS

HADCO CONSTRUCTION, Case No. 1:25-cv-00184-JCB Defendant. Judge Jill N. Parrish Magistrate Judge Jared C. Bennett issued a Report and Recommendation that the court deny plaintiff James Walker's motion to proceed in forma pauperis. ECF No. 3. Judge Bennett notified Mr. Walker that a failure to file a timely objection to the recommendation could waive any objections to it. No objection was filed within the allotted time. Because Mr. Walker did not object to the Report and Recommendation, any argument that it was in error has been waived. See United States v. One Parcel of Real Prop., 73 F.3d 1057, 1060 (10th Cir. 1996). The court will decline to apply the waiver rule only if "the interests of justice so dictate." Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991). In this case, there is no indication that the interests of justice require it to deviate from the waiver rule. Thus, the court finds that all objections are waived and ADOPTS IN FULL the Report and Recommendation. The court ORDERS as follows:

1. The Report and Recommendation, ECF No. 3, is ADOPTED IN FULL.
2. Plaintiff James Walker's motion to proceed in forma pauperis, ECF No. 2, is DENIED.
3. The court ORDERS Mr. Walker to pay the full filing fee by February 23, 2026. If he fails to do so, this case will be dismissed without prejudice. DATED February 9, 2026. BY THE COURT: . pe N. PARRISH United States District Judge