

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
OKLAHOMA**

**Ladell Phillips, as Executor of the Estate of Damon Henderson v.
Officer Tharp, et al.**

No. CIV-24-053-RAW-JAR, United States District Court for the Eastern District of Oklahoma (February 12,
2026)

OPINION

Ladell Phillips, as Executor of the Estate of Damon Henderson v. Officer Tharp, et al.

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

LADELL PHILLIPS, as Executor of the) Estate of DAMON HENDERSON,)))) Plaintiff,))
v.) Case No. CIV-24-053-RAW-JAR) OFFICER THARP, et al.,)))) Defendants.)

ORDER

Before the court is the Report and Recommendation of the United States Magistrate Judge, in which he recommended that defendant Town of Spiro's motion to dismiss plaintiff's second amended complaint be granted. No objection has been filed and the time allotted for doing so has expired. "In the absence of a timely objection, the district court may review a magistrate's report under any standard it deems appropriate." *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir.1991). The court agrees with the reasoning of the Magistrate Judge's analysis and recommendation and finds that "there is no clear error on the face of the record." See Rule 72(b) F.R.Cv.P., advisory committee note. It is the order of the court that the Report and Recommendation (#50) is affirmed and adopted as the order of the court. The motion of Town of Spiro (#45) to dismiss plaintiff's second amended complaint is granted. Defendant Town of Spiro is dismissed from this action without prejudice. In view of the second amended complaint, docket nos. 33, 36, and 40 are deemed moot. IT IS SO ORDERED this 12th day of FEBRUARY, 2026.

RONALD A. WHITE

UNITED STATES DISTRICT JUDGE

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