

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Cody Case v. Director of ODOC, et al.

Case · No. CIV-25-721-D · Decided January 14, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma adopts a magistrate judge’s Report and Recommendation and dismisses without prejudice a pro se prisoner’s amended 42 U.S.C. § 1983 complaint for failure to state a claim. The dismissal follows the plaintiff’s failure to file timely objections despite receiving extensions of time.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Timothy D. DeGiusti
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	January 14, 2026
DOCKET	CIV-25-721-D
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal of a pro se prisoner's amended civil-rights complaint for failure to state a claim. The plaintiff did not file timely objections.
STANDARD OF REVIEW	The court reviewed the magistrate judge's Report and Recommendation after the plaintiff failed to file objections; the order states that the court reviewed the file and adopted the recommendation in its entirety.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Cody Case v. Director of ODOC, et al.

TOPICS

- section 1983
- prisoners rights
- civil rights
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation recommending dismissal of the amended § 1983 complaint for failure to state a claim.
2. Whether the amended complaint should be dismissed without prejudice.

HOLDINGS

1. The district court adopted the Report and Recommendation in its entirety after reviewing the file and noting that Plaintiff had filed no timely objections.
2. The amended complaint was dismissed for failure to state a claim upon which relief may be granted.

KEY QUOTATIONS

“Plaintiff’s Pro Se Prisoner Proposed Amended Civil Rights Complaint [Doc. No. 16] is DISMISSED without prejudice.” (at 2)

FACTUAL BACKGROUND

Plaintiff, proceeding pro se and apparently as a prisoner, brought a civil-rights action under 42 U.S.C. § 1983 alleging violations of his constitutional rights. After being granted leave to amend, he filed a proposed amended civil-rights complaint, which the magistrate judge determined failed to state a claim upon which relief could be granted.

PROCEDURAL HISTORY

Plaintiff filed a pro se action under 42 U.S.C. § 1983 and was granted leave to proceed in forma pauperis. The magistrate judge initially recommended dismissal, but the district court declined to adopt that recommendation and granted leave to amend. After Plaintiff filed an amended complaint, the magistrate judge again recommended dismissal. Plaintiff received extensions of time but filed no objections, so the district court adopted the Report and Recommendation and dismissed the amended complaint without prejudice.

DISPOSITION

dismissed

CASES CITED

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

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA CODY CASE,)) Plaintiff,)) v.) Case No. CIV-25-721-D) DIRECTOR OF

ODOC, et al.,)) Defendants.) ORDER Plaintiff, appearing pro se, brought this civil rights action under 42 U.S.C. § 1983, alleging violations of Plaintiff's constitutional rights [Doc. No. 1].

The matter was referred to United States Magistrate Judge Shon T. Erwin for initial proceedings in accordance with 28 U.S.C. § 636(b)(1)(B)-(C) [Doc. No. 4]. Plaintiff filed an Application for Leave to Proceed in Forma Pauperis and supporting affidavit [Doc. No. 2], which the Court granted [Doc. No. 5].

On August 22, 2025, Judge Erwin issued a Report and Recommendation recommending the Court dismiss the case for failure to state a claim upon which relief may be granted [Doc. No. 9]. Plaintiff filed objections to the Report and Recommendation, acknowledging that his initial complaint failed to state a claim upon which relief may be granted and attaching an amended complaint [Doc.

No. 12]. The Court declined to adopt Judge Erwin's Report and Recommendation and granted Plaintiff leave to file his amended complaint [Doc. No. 13]. The case was re-referred to Judge Erwin for further proceedings consistent with the initial case referral. Id. Plaintiff filed his Pro Se Prisoner Proposed Amended Civil Rights Complaint on October 8, 2025 [Doc.

No. 16]. On October 24, 2025, Judge Erwin issued the present Report and Recommendation [Doc. No. 17], in which he recommends the Court dismiss Plaintiff's amended complaint for failure to state a claim upon which relief may be granted.

In his report, Judge Erwin notified Plaintiff of his right to file objections to the Report and Recommendation on or before November 10, 2025, and that failure to object waives Plaintiff's right to appellate review of both factual and legal issues contained in the report. See *Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010).

On November 7, 2025, Plaintiff filed Petitioners Motion for Extension of Time to File Objection to Report and Recommendation [Doc. No. 18], which the Court granted [Doc. No. 19]. On December 1, 2025, Plaintiff filed his second Petitioners Motion for Extension of Time to File Objection to Report and Recommendation [Doc. No. 20], which the Court granted [Doc.

No. 21]. Plaintiff failed to file any objections to the Report and Recommendation. Upon review of the file and noting no timely objection to the findings and recommendations of the magistrate judge, the Court ADOPTS the Report and Recommendation [Doc. No. 17] in its entirety. IT IS THEREFORE ORDERED that Plaintiff's Pro Se Prisoner Proposed Amended Civil Rights Complaint [Doc.

No. 16] is DISMISSED without prejudice. IT IS SO ORDERED this 14th day of January, 2026. \ms - Wy QO: uP: TIMOTHY D. DeGIUSTI 2 Chief United States District Judge

