

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PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown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)