

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

Wallace McQuire v. Oklahoma Public Defenders Office, et al.

McQuire · No. CIV-25-347-PRW · Decided December 9, 2025

SUMMARY

The United States District Court for the Western District of Oklahoma adopted a magistrate judge's Report and Recommendation after the plaintiff failed to file timely objections. The court found no plain error and dismissed the action without prejudice under Federal Rule of Civil Procedure 41(b).

OPINION

McGuire

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF OKLAHOMA

WALLACE McQUIRE,)

) Plaintiff,)) v.) Case No. CIV-25-347-PRW)

OKLAHOMA PUBLIC DEFENDERS)

OFFICE, et al.,))) Defendants.)

ORDER

On May 5, 2025, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation (Dkt. 9) in this action, in which she recommends that the Court dismiss Plaintiff's case pursuant to Federal Rule of Civil Procedure 41(b). Judge Mitchell advised Plaintiff of his right to object to the Report and Recommendation by May 26, 2025, in accordance with 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72, and that failure to make a timely objection would waive any right to appellate review of the factual and legal issues addressed in the Report and Recommendation. To date, Plaintiff has filed no objections. He has therefore waived his right to appellate review of the factual and legal issues addressed in the Report and Recommendation.¹ In the absence of a timely objection, the Court reviews the Report and 1 *United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1059–60 (10th Cir. 1996). Recommendation to confirm that there is no plain error on the face of the record." Finding none, the Court agrees with Judge Mitchell's analysis and conclusions. Upon review, the Court ADOPTS the Report and Recommendation (Dkt. 9) in full and DISMISSES the case WITHOUT PREJUDICE. IT IS SO ORDERED this 9th day of December 2025.

PATRICK R. WYRICK

UNITED STATES DISTRICT JUDGE

2 Summers v. State of Utah, 927 F.2d 1165, 1167-68 (10th Cir. 1991) (“In the absence of timely objection, the district court may review a magistrate’s report under any standard it deems appropriate.”).

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