

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Mario Lamont Harris v. Owen Kays-Erdmann, et al.

Harris · No. 2:25-cv-02409-LK · Decided January 26, 2026

SUMMARY

The United States District Court for the Western District of Washington adopted a magistrate judge's Report and Recommendation and dismissed Mario Lamont Harris's case without prejudice. The dismissal was based on Harris's failure to pay the filing fee or submit an application to proceed in forma pauperis, despite being directed to do so.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	January 26, 2026
DOCKET	2:25-cv-02409-LK
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal without prejudice because Plaintiff failed to pay the filing fee or submit an application to proceed in forma pauperis.
STANDARD OF REVIEW	Under Ninth Circuit precedent, the district court reviews a magistrate judge's findings and recommendations when an objection is made, but not otherwise. The court also conducted an independent assessment of the record.
PRECEDENTIAL VALUE	unpublished

TOPICS

civil procedure

PRACTICE AREAS

civil procedureprisoner civil rights

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation when Plaintiff filed no objections.
2. Whether dismissal without prejudice was warranted because Plaintiff failed to pay the filing fee or apply for in forma pauperis status.

HOLDINGS

1. When no objection is made to a magistrate judge's Report and Recommendation, the district court need not conduct the ordinary objection-based review and may adopt the recommendation; the court independently assessed the record and agreed with the recommendation.
2. Dismissal without prejudice was warranted because Plaintiff failed to pay the filing fee or submit an application to proceed in forma pauperis after being directed to do so.

KEY QUOTATIONS

“The Court further notes that, after an independent assessment of the record, it agrees with Judge Tsuchida that dismissal is warranted.” (at 1)

FACTUAL BACKGROUND

Plaintiff Mario Lamont Harris did not pay the required filing fee or submit an application to proceed in forma pauperis. The Clerk notified him that he needed to do so by December 31, 2025 or the case could be dismissed. Plaintiff did not comply.

PROCEDURAL HISTORY

The Clerk directed Plaintiff to pay the filing fee or submit an in forma pauperis application by December 31, 2025. Plaintiff did neither. Magistrate Judge Brian A. Tsuchida recommended dismissal without prejudice, and the district court adopted the recommendation and dismissed the case.

DISPOSITION

dismissed

CASES CITED

- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc)

OPINION

Harris

PER CURIAM.

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UNITED STATES DISTRICT COURT

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WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

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MARIO LAMONT HARRIS, CASE NO. 2:25-cv-02409-LK

11 Plaintiff, ORDER ADOPTING REPORT AND

12 v. RECOMMENDATION AND

DISMISSING CASE

13 OWEN KAYS-ERDMANN, et al., 14 Defendants. 15 16 This matter comes before the Court
on the Report and Recommendation (“R&R”) of 17 Magistrate Judge Brian A. Tsuchida. Dkt. No.
5. Judge Tsuchida recommends that this Court 18 dismiss this case without prejudice because
Plaintiff did not pay the filing fee or apply for in forma 19 pauperis (“IFP”) status. Id. at 1. The
Clerk sent Plaintiff a letter directing him to pay the filing fee 20 or submit an IFP application by
December 31, 2025 or the case may be dismissed. Dkt. No. 2. 21 Plaintiff did not do so. 22 The
Court generally reviews findings and recommendations “if objection is made, but not 23
otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Because
24 Plaintiff did not file any objections, the Court adopts Judge Tsuchida’s R&R for the reasons 1
provided therein. Dkt. No. 5. The Court further notes that, after an independent assessment of the 2
record, it agrees with Judge Tsuchida that dismissal is warranted. 3 The Court therefore ADOPTS
the Report and Recommendation, Dkt. No. 5, and dismisses 4 the case without prejudice. The
Clerk shall provide a copy of this Order to Plaintiff. 5 Dated this 26th day of January, 2026. 6 A 7
Lauren King United States District Judge 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24