

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Deloray C. Christian v. Kevin Stitt, et al.

Christian v. Stitt · No. CIV-24-00850-JD · Decided November 21, 2025

SUMMARY

The United States District Court for the Western District of Oklahoma adopted a magistrate judge’s Report and Recommendation and dismissed Plaintiff Deloray C. Christian’s complaint. The court dismissed with prejudice claims for damages against individual defendants in their official capacities, claims against the Oklahoma Department of Corrections, and untimely claims against Wendell Miles and Mike McDougal, while dismissing the remaining claims without prejudice for failure to state a claim.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	November 21, 2025
DOCKET	CIV-24-00850-JD
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal of Plaintiff's civil-rights complaint. Plaintiff did not timely object after receiving an extension of time, so the district court adopted the recommendation and dismissed the claims with prejudice in part and without prejudice in part.
STANDARD OF REVIEW	Absent a timely and specific objection, the Tenth Circuit's firm-waiver rule generally waives appellate review of factual and legal issues in a magistrate judge's report and recommendation, subject to exceptions for failure to provide notice of the objection period and consequences or when the interests of justice require review. The district court alternatively reviewed the record and law de novo.
PRECEDENTIAL VALUE	nonprecedential district court order

TOPICS

prisoners rights

section 1983

civil rights

civil procedure

statute of limitations

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

federal courts

QUESTIONS PRESENTED

1. Whether Plaintiff's failure to file timely and specific objections to the magistrate judge's Report and Recommendation waived appellate and de novo review.
2. Whether the interests of justice or another exception required the district court to review the unobjected-to Report and Recommendation.
3. Whether the Report and Recommendation should be adopted and the complaint dismissed with prejudice in part and without prejudice in part.

HOLDINGS

1. A party's failure to make a timely and specific objection to a magistrate judge's findings and recommendations waives appellate review of factual and legal issues, subject to recognized exceptions.
2. Neither exception to the firm-waiver rule applied because Plaintiff was informed of the objection period and consequences, and the interests of justice did not require review.
3. The Report and Recommendation was adopted in full: claims for damages against individual defendants in their official capacities and all claims against the Oklahoma Department of Corrections were dismissed with prejudice; claims against Wendell Miles and Mike McDougal and related supervisory-liability claims were dismissed with prejudice as untimely; and the remaining claims were dismissed without prejudice for failure to state a claim.

KEY QUOTATIONS

“A party’s objections to the magistrate judge’s report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review.”

“The Tenth Circuit has “adopted a firm waiver rule when a party fails to object to the findings and recommendations of the magistrate [judge].””

“The Court ACCEPTS and ADOPTS the Report and Recommendation [Doc. No. 14] in its entirety.”

FACTUAL BACKGROUND

Plaintiff Deloray C. Christian brought a civil-rights complaint involving claims against Oklahoma officials and the Oklahoma Department of Corrections. The magistrate judge concluded that damages claims against individual defendants in their official capacities and all claims against the Oklahoma Department of Corrections should be dismissed with prejudice, that claims against Wendell Miles and Mike McDougal and related supervisory-liability claims were untimely, and that the remaining claims failed to state a claim. Plaintiff did not file objections after receiving notice and an extension of the deadline.

PROCEDURAL HISTORY

The complaint was referred to United States Magistrate Judge Amanda L. Maxfield under 28 U.S.C. § 636(b)(1)(B) and (C). The magistrate judge recommended dismissal of the complaint on multiple grounds. Plaintiff requested and received an extension to object but filed no objection, and the district court adopted the Report and Recommendation in full.

DISPOSITION

dismissed

CASES CITED

- United States v. 2121 E. 30th St., 73 F.3d 1057, 1060 (10th Cir. 1996)
- Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991)
- Morales-Fernandez v. I.N.S., 418 F.3d 1116, 1119-20 (10th Cir. 2005)

OPINION

Deloray C. Christian v. Kevin Stitt, et al.

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF OKLAHOMA

DELORAY C. CHRISTIAN,)

) Plaintiff,)) v.) Case No. CIV-24-00850-JD) KEVIN STITT, et al.,)) Defendants.)

ORDER

Before the Court is a Report and Recommendation (“R. & R.”) [Doc. No. 14] issued by United States Magistrate Judge Amanda L. Maxfield on August 19, 2025, recommending that Plaintiff Deloray C. Christian’s (“Plaintiff”) Complaint [Doc. No. 6] be dismissed. For the reasons outlined below, the Court adopts the R. & R. The Court referred Plaintiff’s Complaint to Judge Maxfield under 28 U.S.C. § 636(b)(1)(B), (C). [Doc. Nos. 4, 12]. Upon screening, Judge Maxfield recommended that the Court (1) dismiss with prejudice Plaintiff’s claims for damages against the individual defendants in their official capacities and all aspects of the claims against the Oklahoma Department of Corrections (“ODOC”); (2) dismiss with prejudice Plaintiff’s claims against Defendants Wendell Miles and Mike McDougal and related supervisory liability claims because they are untimely filed; and (3) dismiss without prejudice Plaintiff’s remaining claims for failure to state a claim on which relief may be granted. [Doc. No. 14 at 21]. Judge Maxfield advised Plaintiff that the deadline to file an objection to the R. & R. was September 9, 2025, and that Plaintiff’s failure to timely object would waive his right to appellate review of the factual and legal issues in the R. & R. [Id. (citing Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991))]. Plaintiff timely requested an extension of time to file an objection to the R. & R. [See Doc. No. 16 at 2]. The Court granted the request in part and extended the deadline for the Plaintiff to file his

objections to the R. & R. until October 3, 2025. [Doc. No. 17].¹ Despite that extension of time, and despite the additional passage of time, Plaintiff has not filed an objection to the R. & R. or requested a further extension of time to do so. “[A] party’s objections to the magistrate judge’s report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review.” *United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The Tenth Circuit has “adopted a firm waiver rule when a party fails to object to the findings and recommendations of the magistrate [judge].” *Moore*, 950 F.2d at 659. This rule “provides that the failure to make timely objection to the magistrate[] [judge’s] findings or recommendations waives appellate review of both factual and legal questions.” *Id.* There are two exceptions to the waiver rule: “when (1) a pro se litigant has not been informed of the time period for objecting and the consequences of failing to object, or when (2) the ‘interests of justice’ require review.” *Morales-Fernandez v. I.N.S.*, 418 F.3d 1116, 1119 (10th Cir. 2005) (quoting *Moore*, 950 F.2d at 659). The Tenth Circuit has considered various factors to determine whether the interests of justice require 1 The Court further explained that should Plaintiff seek additional time, he must make a proper showing of good cause under Federal Rule of Civil Procedure 6(b) and file his request well in advance of the deadline. [Doc. No. 17 at 2]. review, which include “[1] a pro se litigant’s effort to comply, [2] the force and plausibility of the explanation for his failure to comply, and [3] the importance of the issues raised.” /d. at 1120. Plaintiff did not object to the R. & R., and neither exception to the firm waiver rule applies. Judge Maxfield advised Plaintiff of the time period for objecting and the consequences of failing to timely object. [See Doc. No. 14 at 21]. Plaintiff was aware of the deadlines or received notice of the deadlines. [See Doc. No. 16 at 1 (acknowledging the original deadline to object to the R. & R.); 9/12/2025 Staff Notes reflecting order granting extension of time to object [Doc. No. 17] was mailed to Plaintiff]. The interests of justice do not require review, as Plaintiff has not explained his effort to comply or his lack of objection. Alternatively, although the Court is not required to review the record and law de novo, it has done so and determines that the R. & R. should be adopted in full. The Court ACCEPTS and ADOPTS the Report and Recommendation [Doc. No. 14] in its entirety. Accordingly, the Court DISMISSES with prejudice Plaintiff’s claims for damages against the individual defendants in their official capacities and all aspects of the claims against the ODOC; the Court DISMISSES with prejudice Plaintiff’s claims against Defendants Miles and McDougal and related supervisory liability claims because they are untimely filed; and DISMISSES without prejudice the remaining claims for failure to state a claim on which relief may be granted. IT IS SO ORDERED this 21st day of November 2025.

UNITED STATES DISTRICT JUDGE