

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Karena Dawn Hickles, on behalf of Adarah Zionne & Co. Charitable Trust v. John A. Bell, et al.

Hickles v. Bell · No. 25-1245-JWB · Decided January 30, 2026

SUMMARY

The United States District Court for the District of Kansas adopts a magistrate judge’s report and recommendation and dismisses the plaintiff’s complaint without prejudice. The court finds that the plaintiff failed to timely object and that the complaint did not comply with Federal Rule of Civil Procedure 8(a) because it did not specify which claims applied to each defendant.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Broomes
JURISDICTION	United States District Court for the District of Kansas
DECIDED	January 30, 2026
DOCKET	25-1245-JWB
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation recommending dismissal of Plaintiff's complaint. Plaintiff filed no timely objections, and the district court adopted the recommendation and dismissed the complaint without prejudice.
STANDARD OF REVIEW	Because Plaintiff did not timely object to the report and recommendation, the district court stated that it could review the magistrate judge's report under any standard it deemed appropriate. The court agreed with the recommendation and dismissed the complaint.
PRECEDENTIAL VALUE	unpublished

TOPICS

- pleadings
- appellate procedure
- standard of review
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff's failure to timely object to the magistrate judge's report and recommendation deprived her of entitlement to appellate review.
2. Whether the complaint complied with Federal Rule of Civil Procedure 8(a) when it asserted six counts collectively without specifying which counts applied to each of five defendants.

HOLDINGS

1. A party that fails to timely object to any portion of a magistrate judge's report and recommendation is not entitled to appellate review of those issues.
2. A complaint fails to comply with Rule 8(a) when it asserts claims collectively without identifying which claims apply to which defendants, because it does not provide the opposing party with the basic information necessary to conduct the lawsuit.

KEY QUOTATIONS

"The Tenth Circuit requires that objections to a magistrate judge's recommended disposition 'be both timely and specific to preserve an issue for de novo review by the district court ...'"

"In the absence of timely objection, the district court may review a magistrate's report under any standard it deems appropriate."

"A pleading that states a claim for relief must contain: (1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support; (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought, which may include relief in the alternative or different types of relief."

FACTUAL BACKGROUND

Plaintiff filed a complaint asserting six counts against five defendants. The complaint made allegations collectively and did not specify which counts applied to which defendants. The district court concluded that this pleading failed to provide the basic information required to conduct a lawsuit in federal court.

PROCEDURAL HISTORY

Magistrate Judge Brooks G. Severson issued a report and recommendation recommending dismissal. Plaintiff received the recommendation on December 26, 2025, but did not file objections by the January 9, 2026 deadline. The district court adopted the recommendation and dismissed the complaint without prejudice.

DISPOSITION

dismissed

CASES CITED

- Williams v. United States, No. 19-2476-JAR-JPO, 2019 WL 6167514, at *1 (D. Kan. Nov. 20, 2019)
- United States v. One Parcel of Real Prop., 73 F.3d 1057, 1060 (10th Cir. 1996)
- Summers v. Utah, 927 F.2d 1165, 1167 (10th Cir. 1991)
- Thomas v. Arn, 474 U.S. 140, 150 (1985)
- Robbins v. Oklahoma, 519 F.3d 1242, 1249-50 (10th Cir. 2008)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS KARENA DAWN HICKLES, on behalf of Adarah Zionne & Co. Charitable Trust, Plaintiff, v. Case No. 25-1245-JWB JOHN A. BELL, et al., Defendants. MEMORANDUM AND ORDER This matter is before the court on Magistrate Judge Brooks G. Severson's report and recommendation, (Doc. 9), that Plaintiff's lawsuit be dismissed.

Plaintiff was given 14 days after service of the magistrate judge's R&R to lodge any objections to the recommendation. According to the tracking number, Plaintiff received the magistrate judge's report on December 26, 2025. Plaintiff's deadline was therefore January 9, 2026.

As of the date of this order, no objections have been filed. As a consequence, the court ADOPTS the magistrate judge's recommendation and DISMISSES Plaintiff's complaint without prejudice. Plaintiff's failure to timely object to any portion of the R&R leaves her with no entitlement to appellate review. Williams v. United States, No. 19-2476-JAR-JPO, 2019 WL 6167514, at *1 (D.

Kan. Nov. 20, 2019) ("The Tenth Circuit requires that objections to a magistrate judge's recommended disposition 'be both timely and specific to preserve an issue for de novo review by the district court...'") (quoting United States v. One Parcel of Real Prop., 73 F.3d 1057, 1060 (10th Cir. 1996)). "In the absence of timely objection, the district court may review a magistrate's report under any standard it deems appropriate." Summers v. Utah, 927 F.2d 1165, 1167 (10th Cir.

1991) (citing Thomas v. Arn, 474 U.S. 140, 150 (1985) (stating that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.")).

The court agrees with the magistrate judge that Plaintiff's complaint should be dismissed. As she explained, Plaintiff's complaint makes allegations collectively as Plaintiff does not specify which of her six counts apply to each of the five defendants. This fails to comply with Federal Rule of Civil Procedure 8(a) which requires litigants to supply the opposing party with the most basic information to conduct a lawsuit in federal court.

Fed. R. Civ. P. 8(a) ("A pleading that states a claim for relief must contain: (1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and

the claim needs no new jurisdictional support; (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought, which may include relief in the alternative or different types of relief.”).

Plaintiff has not met this burden; therefore, her lawsuit must be dismissed. See *Robbins v. Oklahoma*, 519 F.3d 1242, 1249-50 (10th Cir. 2008). Accordingly, the court DISMISSES Plaintiff’s complaint without prejudice. IT IS SO ORDERED. Dated this 29th day of January, 2026. s/ John W. Broomes JOHN W. BROOMES CHIEF UNITED STATES DISTRICT JUDGE