

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

DJUAN PRESTON WILLIAMS,

Plaintiff,

v.

Case No. 20-1179-JWB

KIOWA COUNTY, OKLAHOMA,  
COURTHOUSE OFFICIALS, et al.

Defendants.

**MEMORANDUM ORDER**

This matter is before the court on the November 10, 2020 Report and Recommendation (Doc. 15) by United States Magistrate Judge Gwynne E. Birzer, which recommended that Plaintiff Djuan Preston’s motion to proceed *in forma pauperis* (Doc. 3) be DENIED and Plaintiff’s complaint (Doc. 1) be DISMISSED. The Recommendation is incorporated herein by reference. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

Plaintiff was advised that specific written objections were due within 14 days after being served with a copy of the Report and Recommendation. (Doc. 15, at 14.) Plaintiff has not filed a timely objection to the magistrate judge’s Report and Recommendation.<sup>1</sup> “In the absence of timely objection, the district court may review a magistrate . . . [judge’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

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<sup>1</sup> Plaintiff filed a “motion” (Doc. 17) well past the 14-day response time since being served with the magistrate judge’s Report (Doc. 15.) In his motion, Plaintiff requests a change of address, alleges new claims, and requests the removal and reassignment of a related case from the present magistrate and district court judge. (Doc. 17.) Plaintiff’s motion, in addition to being untimely, is devoid of “specific written objections” to any proposed finding or recommendation of the magistrate judge. Fed. R. Civ. P. 72(b)(2).

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 reasoning of Judge Birzer’s analysis and recommendations and finds that “there is no clear error on the face of the record.” *See* Fed. R. Civ. P. 72(b) advisory committee’s note. Thus, the court ADOPTS the Report of the magistrate judge as the findings and conclusions of this court. Accordingly, Plaintiff’s complaint (Doc. 1) is DISMISSED and his motion to proceed *in forma pauperis* (Doc. 3) is DENIED.

IT IS SO ORDERED this 22nd day of January, 2021.

s/ John W. Broomes  
JOHN W. BROOMES  
UNITED STATES DISTRICT JUDGE