

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DJUAN PRESTON WILLIAMS,

Plaintiff,

v.

Case No. 20-1224-JWB

STATE OF OKLAHOMA, et al.

Defendants.

MEMORANDUM AND ORDER

This matter is before the court on the March 29, 2021 Report and Recommendation (Doc. 15) by United States Magistrate Judge Gwynne E. Birzer, which recommended that Plaintiff Djuan Williams' 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 3.) Plaintiff has filed a timely objection (Doc. 18) to the magistrate judge's Report and Recommendation. However, Plaintiff's objection is devoid of "specific written objections" to any proposed finding or recommendation of the magistrate judge. Fed. R. Civ. P. 72(b)(2). Rather, Plaintiff offered additional "unfrivolous [sic] and non-malicious facts" to illustrate the magistrate's "Report and Recommendation is purely based on self opinionated [sic] Recommendations . . ." (Doc. 18 at 3.) Plaintiff's failure to properly object to any portion of the Recommendation leaves him 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) (citing *United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996)

(“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 . . . [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 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.

IT IS SO ORDERED this 6th day of May, 2021.

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