

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

DION LEE MARTINEZ,

Plaintiff,

v.

Case No. 22-4027-JWB

RACHEL PICKERING,

Defendant.

**MEMORANDUM AND ORDER**

This matter is before the court on the June 21, 2022, Report and Recommendation (Doc. 12) by United States Magistrate Judge Rachel E. Schwartz, which recommended that Plaintiff Dion Lee Martinez’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).

The magistrate judge determined that this court lacked jurisdiction because there was not complete diversity between the parties and because Plaintiff failed to raise a federal question. (Doc. 12, at 4–10.) Plaintiff was advised that specific written objections were due within 14 days after being served with a copy of the Report and Recommendation. (Doc. 12, at 10.) Plaintiff has filed a timely objection (Doc. 15) 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). Instead, Plaintiff reiterates many of the same statements from his complaint and other filings and does not address the issue of jurisdiction. (Doc. 15.) 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) (“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 reasoning of Judge Schwartz’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 12th day of September, 2022.

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