

**In the United States District Court  
for the District of Kansas**

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Case No. 24-cv-02589-TC-BGS

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JAMES ROGERS, JR.,

*Plaintiff*

v.

KEURIG DR PEPPER THE AMERICAN BOTTLING COMPANY,

*Defendant*

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**ORDER**

Magistrate Judge Brooks G. Severson issued a Report and Recommendation, recommending that this case be dismissed on two grounds. Doc. 10. One is that the plaintiff, James Rogers, Jr., has failed to comply with court orders and local rules, warranting dismissal under Federal Rule of Civil Procedure 41. *Id.* at 1–3. The other is that Rogers’s Complaint fails to state a plausible employment discrimination claim because he did not allege that he exhausted his administrative remedies before suing his former employer. *Id.* at 3–5. The R&R provided the parties with fourteen days after being served to file written objections and noted that failure to object within the fourteen-day period would preclude appellate review. *Id.* at 5. The R&R was entered on May 6, 2025.

When a magistrate judge issues a report and recommendation on a pretrial matter, a party objecting to the recommendation must “serve and file specific, written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2). Where a party fails to make a proper objection, a district court may review the recommendation under “any standard it deems appropriate,” even for clear error. *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (citations omitted).

More than fourteen days have passed without any written objection. And, after reviewing the pleadings submitted, there appears to be

no clear error in Judge Severson's reasoning or recommendation. As a result, the R&R is adopted in its entirety.

It is so ordered.

Date: May 27, 2025

s/ Toby Crouse  
Toby Crouse  
United States District Judge