IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

SHAWN P. CULBERTSON, **Plaintiff,** **v.** **JASON BILLAM, et al.,** **Defendants.**	**Case No. 5:25-cv-04049-JMK-JBW**

MEMORANDUM AND ORDER

This matter is before the Court on a Report and Recommendation ("R&R") by Magistrate Judge Jennifer B. Wieland recommending dismissal of Plaintiff's Amended Complaint. For the reasons stated below, the R&R is adopted and Plaintiff's Amended Complaint is dismissed without prejudice.

Plaintiff Shawn Culbertson, proceeding pro se, filed his First Amended Complaint asserting various federal and state law violations arising out of custody orders entered against him in a state court proceeding. Culbertson brought claims against Jason Billam, Dawn Albers, Michael Hilleary, Angelica Weisser-Flores, and the Kansas Department for Children and Families ("DCF").

DCF filed a motion to dismiss. The Court granted that motion in part, dismissing all of Culbertson's federal law claims against DCF. Doc. 21. The Court rejected DCF's request to decline the exercise of supplemental jurisdiction over the state law claims against DCF, reasoning that the Court should retain supplemental jurisdiction over those claims while there were federal and state law claims still pending against the other defendants. *Id.* at 8–9.

Magistrate Judge Wieland then issued an R&R on July 8, 2025. She recommended dismissal of all of Plaintiff's federal law claims against the other defendants. She further

recommended that the Court decline to exercise supplemental jurisdiction over all of the remaining state law claims. Doc. 25. The R&R was sent to Culbertson, via regular mail, that same day.

The R&R notified Culbertson that he had 14 days after being served with the R&R to object to it, and that a failure to timely object constituted waiver of any appellate or factual review of the R&R. Culbertson has not filed an objection to the R&R. Because no objection to the R&R has been filed, the Court accepts Judge Wieland's R&R and adopts it as its own. Fed. R. Civ. P. 72(b)(2); *Goodwin v. Dewar*, 2024 WL 243250, at *1 (D. Kan. Jan. 23, 2024) (citing *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991)).

THE COURT THEREFORE ORDERS that the Report and Recommendation issued by United States Magistrate Judge Jennifer B. Wieland on July 8, 2026 (Doc. 25) is ACCEPTED, ADOPTED, and AFFIRMED.

THEREFORE, THE COURT DISMISSES all of Plaintiff's federal law claims against all Defendants WITHOUT PREJUDICE.

THE COURT FURTHER declines to exercise supplemental jurisdiction over Plaintiff's state law claims against all Defendants and DISMISSES THEM WITHOUT PREJUDICE.

THE COURT FURTHER DENIES Plaintiff's Motion to Amend Complaint (Doc. 23) as futile.

This case is closed.

IT IS SO ORDERED.

Dated: October 9, 2026

s/ Jeffrey M. Kuhlman
JEFFREY M. KUHLMAN
UNITED STATES DISTRICT JUDGE