

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

DONDRE C. JOHNSON,)	
)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-24-409-RAW-GLJ
)	
CITY OF MCALESTER, et al.,)	
)	
)	
Defendants.)	

ORDER

On January 13, 2025, the Magistrate Judge issued a Report and Recommendation. On January 21, 2025, plaintiff (appearing *pro se*) filed an objection thereto. On January 23, 2025, the Magistrate Judge issued an Amended Report and Recommendation. Plaintiff did not file an objection to the Amended Report and Recommendation, but both Reports and Recommendation are virtually identical and the court will consider plaintiff's objection.

Plaintiff having filed a timely objection, the court must conduct a de novo review of the issues specifically raised by the objection, and may accept, modify, or reject the recommended disposition; receive further evidence; or return the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. §636(b)(1); Rule 72(b)(3) F.R.Cv.P. Defendants have not filed a response to the objection. The undersigned has reviewed the record.

The Amended Report and Recommendation recommends that defendants' motion to dismiss be granted based on (1) the statute of limitations regarding plaintiff's §1983 claim

and (2) plaintiff's failure to comply with the Oklahoma Governmental Tort Claims Act regarding his claim under Oklahoma law for negligence.

Plaintiff's objection appears to be directed at (2) and asserts that he did submit a state tort law administrative claim in 2017. He asserts that "no one was able to locate it" and he attaches to his objection a notice of tort claim filed in 2023. As plaintiff asserts that his rights were violated by McAlester police on January 24, 2017, the present record supports the recommendation of the Magistrate Judge.

It is the order of the court that the objection of the plaintiff (#17) is hereby denied. The Amended Report and Recommendation (#18) is affirmed and adopted as the order of the court. The original Report and Recommendation (#16) is deemed moot. Defendants' motion to dismiss (#11) is granted.

IT IS SO ORDERED this 12th day of March, 2025.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE