

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

LEE COTTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-14-1316-D
	)	
GARFIELD COUNTY JAIL, <i>et al.</i> , <sup>1</sup>	)	
	)	
Defendants.	)	

**ORDER**

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Suzanne Mitchell pursuant to 28 U.S.C. § 636(b)(1). Upon initial screening, Judge Mitchell recommends that Plaintiff’s action under 42 U.S.C. § 1983 be dismissed as frivolous because it is duplicative of other actions pending before this Court naming the same defendants and raising similar, if not identical, issues. *See Cotton v. Garfield County Jail*, Case No. CIV-14-743-D, Compl. (W.D. Okla. July 15, 2014); *Cotton v. Garfield County Jail*, Case No. CIV-14-1078-D, Compl. (W.D. Okla. Oct. 1, 2104).

Plaintiff, who appears *pro se*, has neither filed a timely objection to the Report nor requested additional time to object, although he was expressly advised of the right to object, the deadline for objections, and the consequences of failing to object. Therefore, the Court finds that Plaintiff has waived further review. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th

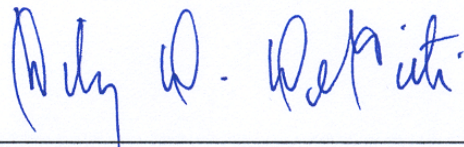
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<sup>1</sup> Although the caption of the Complaint lists the first defendant as “Garfield Co. Jail,” the body of the Complaint names only five individual defendants, the first being Jerry Niles as Sheriff.

Cir. 1996). Further, upon *de novo* consideration of the issues, the Court agrees with Judge Mitchell's analysis and concurs in the recommendation for dismissal of this action as frivolous.<sup>2</sup>

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 5] is adopted in its entirety. This action is dismissed as frivolous pursuant to 28 U.S.C. § 1915A(b)(1). The dismissal is without prejudice to Plaintiff's pursuit of similar or identical claims in other pending cases. A separate judgment shall be entered accordingly.

IT IS SO ORDERED this 30<sup>th</sup> day of December, 2014.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> Because Plaintiff has not requested, or been granted, leave in this case to proceed *in forma pauperis* under 28 U.S.C. § 1915, the Court finds the appropriate statutory authority for the dismissal is 28 U.S.C. § 1915A(b). See *Plunk v. Givens*, 234 F.3d 1128, 1129 (10th Cir. 2000) (“holding that § 1915A applies to all prison litigants, without regard to their fee status, who bring civil suits against a governmental entity, officer, or employee”).