

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

October 5, 2026

Christopher M. Wolpert
Clerk of Court

ADAM DEAN LAHAM,

Plaintiff - Appellant,

v.

CITY OF MAIZE, *et al.*,

Defendant - Appellees.

No. 26-3152
(D.C. No. 6:26-CV-01105-HLT-BGS)
(D. Kan.)

ORDER AND JUDGMENT*

Before **PHILLIPS**, **KELLY**, and **FEDERICO**, Circuit Judges.

Adam Dean Laham appeals two district court orders adopting the Report and Recommendation of the magistrate judge and dismissing his civil rights claims. We hold that Laham failed to object to the Report and Recommendation with sufficient specificity and has therefore waived his

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Federal Rule of Appellate Procedure 32.1 and Tenth Circuit Rule 32.1.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

right to seek review from this court. Exercising jurisdiction under 28 U.S.C. § 1291, we affirm.

Laham was arrested in 2021 and charged with assaulting a police officer, evading arrest, and “drug charges.” He contends that the arrest was the result of police misconduct and that it violated his civil rights.

Laham challenged his arrest in state court in 2023, but the court dismissed his claims with prejudice, holding that Laham had failed to allege facts entitling him to relief and that his claims were otherwise procedurally defective. Laham then brought his challenge to federal court.

In May of 2026, a magistrate judge issued a Report and Recommendation recommending that the district court dismiss Laham’s claims for lack of subject matter jurisdiction because they violated the *Rooker-Feldman* doctrine and, in the alternative, because Laham had failed to state a claim on which relief could be granted.

Under Federal Rule of Civil Procedure 72, Laham was entitled to file “specific written objections” to the magistrate judge’s Report within 14 days of receiving it. Fed. R. Civ. P. 72(b)(2). If Laham failed to object, he faced two consequences: the district court would not be required to conduct a fulsome de novo review of the Report, and he would likely be unable to challenge his dismissal on appeal. *See Summers v. State of Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (“In the absence of timely objection, the district

court may review a magistrate's report under any standard it deems appropriate.”); *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991) (“[F]ailure to make timely objection to the magistrate’s findings or recommendations waives appellate review of both factual and legal questions[.]”). Laham did not file a written objection. Instead, he filed a portion of his state court record without commentary.

The district court then issued two orders adopting the Report and Recommendation and dismissing Laham’s claims. The first order was issued after Laham had submitted his state court record but before it was docketed. The second order acknowledged submission of the state court record but held that it did not constitute an objection to the Report and Recommendation. Both orders found that Laham had not objected to the Report and adopted its reasoning after applying a *de novo* standard of review. Laham then appealed to this court.

Our court applies a “firm waiver” rule to appeals of decisions adopting the reports and recommendations of magistrate judges. *Moore*, 950 F.2d at 659. That rule says that a plaintiff’s failure to make timely objections to a report “waives appellate review of both factual and legal questions” stemming from adoption of the report. *Id.* The firm waiver rule applies even when a plaintiff has made “general objections” if those objections are not “sufficiently specific to focus the district court’s attention on the factual and

legal issues that are truly in dispute.” *United States v. One Parcel of Real Property*, 73 F.3d 1057, 1060 (10th Cir. 1996).¹

Here, it is unclear whether Laham made any objection at all. Laham filed a portion of his state court record after the Report and Recommendation was issued, but he gave no indication that the record was an objection or what portion of the Report, if any, it was intended to address.

If Laham did object, the objection was not “sufficiently specific to focus the district court’s attention on the factual and legal issues” in dispute. *Id.* The state court record consists of Laham’s complaint, dismissal, and Self-Represented Litigant Certification Form. The record provided little new information to the district court, and it made no reference to any particular portion of the Report that may have been faulty.

Because Laham did not object to the magistrate judge’s Report and Recommendation with sufficient specificity, we hold that the firm waiver rule applies, and we therefore decline to review the dismissal of his claims.

¹ There are only two exceptions to the firm waiver rule. It may not apply “when (1) a pro se litigant has not been informed of the time period for objecting and the consequences of failing to object, or when (2) the interests of justice require review.” *Morales-Fernandez v. INS*, 418 F.3d 1116, 1119 (10th Cir. 2005) (italics and internal quotation marks omitted). Neither exception applies here.

AFFIRMED.

Entered for the Court

Richard E.N. Federico
Circuit Judge