CASE NO. 25-4095

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

KANDRA AMBOH, Plaintiff – Appellant, v. NICHOLAS HANEY; HON. JEFFRY ROSS; ERIN RAWLINGS, Defendants – Appellees.	

On Appeal from the United States District Court
For the District of Utah, Central Division
The Honorable Robert J. Shelby
D.C. No. 2:24-cv-00868-RJS

APPELLEE'S RESPONSIVE MEMORANDUM BRIEF

Respectfully submitted,

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Oral Argument is not requested.
SCANNED PDF FORMAT ATTACHMENTS ARE INCLUDED

TABLE OF CONTENTS

ATTACHMENTS:

Attachment 1: Report and Recommendation, Filed June 16, 2025

Attachment 2: Order, Filed July 10, 2025

Attachment 3: Judgment in a Civil Case, filed July 10, 2025

TABLE OF AUTHORITIES

CASES

STATUTES

RULES

PRIOR OR RELATED APPEALS

None.

The Office of General Counsel, by undersigned counsel, on behalf of Honorable Judge Jeffry Ross, and Erin Rawlings, defendant-appellees, for their responsive brief state:

STATEMENT OF JURISDICTION

The United States Court of Appeals for the Federal Circuit has exclusive jurisdiction over an appeal from a final decision of a district court of the United States pursuant to 28 U.S.C.A. §1295.

STATEMENT OF THE ISSUES

APPELLANTS'S ARGUMENTS FAIL BECAUSE THE ARGUMENTS WERE NOT PRESERVED, PLAINTIFF ATTEMPTS TO MAKE ENTIRELY NEW ARGUMENTS, AND THE RECORD IS NOT CITED ON APPEAL.

THE DISTRICT COURT WAS CORRECT IN DISMISSING THE ACTION FOR LACK OF JURISDICTION UNDER BOTH A WRIT OF HABEAS CORPUS AND THE ROOKER-FELDMAN DOCTRINE.

STATEMENT OF THE CASE

1. A child protective order was issued in the State of Utah that placed the children at issue in the custody of their father, and a divorce proceeding, that was commenced by Appellant in state court, is pending. Appellant argues the application of the Indian Child Welfare Act as it relates to the termination of parental rights and placement of children in foster care, when those proceedings have not occurred in Utah.

2. A Verified Petition for Ex Parte Child Protective Order was filed on September 3, 2024 in the Eighth District Juvenile Court for the State of Utah by Mr. Nicholas Haney, the father of the children.
3. Based upon the allegations the Utah State Juvenile Court Judge Jeffry Ross, issued an ex parte child protective order with a hearing date set for September 18, 2024.
4. Hearings were held on the child protective order case before Judge Ross on September 18, 2024, October 16, 2024, November 6, 2024, and an evidentiary hearing was held on November 18, 2024.
5. At the October 16, 2024 hearing, the court was in receipt of a Motion to Dismiss and Transfer the case filed by the mother and appellant, Kandra Amboh. The court indicated it would hold a rule 100 conference with the judge from the Tribal Court and continued the matter to November 6, 2024.[1] (ROA. Sealed 9-11).
6. At this next hearing on November 6, 2024 the court addressed the parties regarding the conference with Judge Tillman of the Wind River Tribal Court.

[1] UT. R. CIV. PROC., Rule 100 allows for the coordination of cases between the district court and juvenile court in Utah. A "rule 100 conference" is a term used in Utah to refer to communication between judges regarding any other pending cases involving the same issues and the same parties or children when cases may need to be consolidated or transferred.

The Wind River Tribal Court declined transfer of the matter to that court. (ROA. Sealed 12-15).

7. The court scheduled an evidentiary hearing for November 18, 2024, after which the Child Protective Order was entered. The Child Protective Order expired 150 days from the date of the order, and is currently expired. (ROA. 17-20).

8. Appellant immediately filed an Application for Writ of Habeas Corpus and Petition for Declaratory Judgment with the United States District Court for the District of Utah on November 19, 2024 requesting the court to issue a writ of Habeas Corpus and determining that the "Two Boy's of Indian Children be returned to mother… ." (ROA. 5, 9).

9. The Defendants filed an Answer, which was retitled as a Motion to Dismiss, on November 20, 2024.n (ROA. 11-16). A Report and Recommendation correctly dismissing the case for lack of jurisdiction was entered by Chief Magistrate Judge Dustin B. Pead on June 16, 2025 (ROA. 58-64). Chief District Judge Robert J. Shelby entered an Order Adopting Report and Recommendation on July 10, 2025. (ROA. 65-67).

10. The Appellant and Appellee, Mr. Haney, also have a pending divorce matter in the Eighth Judicial District Court, State of Utah. The Appellant, Ms. Amboh, filed the Verified Petition for Divorce and commenced this

proceeding in the Eighth Judicial District Court of the State of Utah on August 16, 2024. (ROA. 21-24).

SUMMARY OF THE ARGUMENTS

Appellant has confused the arguments and procedure by which she may seek review of orders of the state court. Appellant asserts entirely new arguments in her appellate filings than were requested in her Application for Writ of Habeas Corpus with the District Court. Appellant attempts to argue the federal court may at any time review the decisions of the state court under 25 U.S.C. §1914, but this is not the request she made of the District Court when she filed her initial Writ of Habeas Corpus, and therefore, she failed to preserve any of those issues. Appellant initially filed an Application for Writ of Habeas Corpus seeking the return of her children, but this process is not applicable, and the District Court was correct in dismissing for a lack of jurisdiction. Appellant also sought a decision from the District Court overruling a state court proceedings, but the District Court was correct in dismissing the action for lack of jurisdiction under the *Rooker-Feldman* doctrine.

APPELLANTS'S ARGUMENTS FAIL BECAUSE THE ARGUMENTS WERE NOT PRESERVED, PLAINTIFF ATTEMPTS TO MAKE ENTIRELY NEW ARGUMENTS, AND THE RECORD IS NOT CITED ON APPEAL.

Appellant attempts to make a new argument that the federal court has jurisdiction over state court actions regarding Indian children pursuant to 25 U.S.C.

§1914, but such claim is entirely misplaced, and was not raised until after the case was dismissed by the District Court. (Record, pg. 70). Furthermore, Appellant did not make a showing in her Writ of Habeas Corpus that any state court action violated any provision of sections 1911, 1912, or 1913, rather she was simply demanding the return of her children. Finally, Appellant has not identified the rulings presented for review with appropriate references to the record, nor has she made a succinct, clear or accurate statement of the arguments with citation to parts of the record upon which she relies.

Generally, "arguments not raised before the district court are forfeited on appeal." United States v. Lowe, 117 F.4th 1253, 1268 (10th Cir. 2024) (citing United States v. Garcia, 936 F. 3d 1128, 1131 (10th Cir. 2019)). On appeal the court only considers forfeited arguments under the plain-error standard of review, and when a plain-error arguments are not made the ordinary course may be to deem the issue waived. Id. In this case, Appellant creates novel arguments regarding the federal court's review of any actions which violate ICWA. (Plaintiff-Appellant's Opening Brief of Kandra Amboh. 11). And again that section 1914 of ICWA provides for judicial review of state court decisions when any Indian child is subject to any action for foster care placement or termination of parental rights. (Plaintiff-Appellant's Opening Brief of Kandra Amboh. 14). Not only were these arguments not preserved for argument on appeal, but they mischaracterize the

actions that have been pending in state court which include a protective order, placement of the children in the custody of their father, and a divorce proceeding.

Pursuant to Federal Rule of Appellate Procedure, Rule 28 the appellant must include a summary of the argument with a succinct, clear and accurate statement of the arguments, and these arguments must contain citations to authorities along with parts of the record upon which the appellant relies. Fed. R. App. Proc. R. 28(7) and (8). In this case, Appellant has failed to cite the record in anyway to provide clear statements as to her argument. Rather Appellant attempts to make entirely new arguments regarding the federal courts' ability to review state court actions and the review of foster care and termination of parental rights cases, which has absolutely no application to the state court proceedings.

Appellant has failed to preserve the arguments for appeal, has failed to completely and accurately cite the record on appeal, and her new arguments cannot be argued anew on appeal.

THE DISTRICT COURT WAS CORRECT IN DISMISSING THE ACTION FOR LACK OF JURISDICTION UNDER BOTH A WRIT OF HABEAS CORPUS AND THE ROOKER-FELDMAN DOCTRINE.

First, pursuant to the Indian Civil Rights Act "the privilege of the writ of habeas corpus shall be available to any person, in a court of the United States, *to test the legality of his detention by order of an Indian tribe*." Constitutional Rights of Indians, 25 U.S.C.A. §1303 (1968) (emphasis added). Furthermore, habeas

corpus is available to any person "*in custody* pursuant to the judgment of a State court on the ground that he is *in custody* in violation of the Constitution or laws or treaties of the United States." Habeas Corpus, 28 U.S.C.A. §2254 (1996) (emphasis added). And finally, a writ for habeas corpus shall not be granted unless the applicant has exhausted all remedies available in state court, or there is an absence of state court process, or circumstances make that process ineffective to protect the rights of the applicant. Id. The District Court properly found that a habeas petition was improper because Appellant was not detained by order of an Indian tribe nor was she in custody based on a state court judgement, and therefore, the court lacked jurisdiction.

Second "[t]he *Rooker–Feldman* doctrine provides that federal courts, other than the United States Supreme Court, lack jurisdiction to adjudicate claims seeking review of state court judgments." Bisbee v. McCarty, 3 F. App'x 819, 822 (10th Cir. 2001) (unpublished) (citing D.C. Court of Appeals v. Feldman, 460 U.S. 462 (1983), 486 and Rooker v. Fid. Tr. Co., 263 U.S. 413, 415 (1923)). In other words, a losing party in state court cannot file a federal complaint seeking reversal of the state court decision. *See* id. ("The losing party in a state court proceeding is generally 'barred from seeking what in substance would be appellate review of the state court judgment in a United States district court, based on the losing party's claim that the state judgment itself violates the loser's federal rights.'") (quoting

Johnson v. De Grandy, 512 U.S. 997, 1005–06 (1994)).

Granting Appellant the relief she requested would have violated the *Rooker-Feldman* doctrine as it sought to challenge the Orders entered by Judge Ross. The District Court could not grant Appellant declaratory relief related to the previous Orders entered by Judge Ross without invalidating that order and relitigating the state-court issues presented. Therefore, the District Court properly found that the Appellant cannot use a federal court lawsuit to circumvent and collaterally challenge or interfere with state court proceedings. Such collateral challenges are barred by the *Rooker-Feldman* doctrine.

STATEMENT OF COUNSEL AS TO ORAL ARGUMENT

Appellees agree with the Appellant that Oral Argument is not needed.

CONCLUSION

The Order of the District Court dismissing the Plaintiff's action should be affirmed.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2025 I electronically filed and emailed the foregoing using the court's CM/ECF system which will also send notification of such filing to the following:

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ATTACHMENT 1

THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

Kandra Amboh, Plaintiff, v. Nicholas Haney, et al., Defendants.	REPORT AND RECOMMENDATION Case No. 2:24-cv-868 DBP Chief Magistrate Judge Dustin B. Pead

Plaintiff, Kandra Amboh, who is proceeding pro se,[1] filed a Writ of Habeas Corpus and Petition for Declaratory Judgement against Defendants. Plaintiff asks this court to issue a Writ of Habeas Corpus "Ordering the return of her Shoshone boy's, who Plaintiff Amboh alleged [are] being illegally detained."[2] Defendants seek dismissal asserting a habeas corpus petition does not apply and the action is barred by Plaintiff's failure to exhaust state remedies. Moreover, contrary to Ms. Amboh's assertions, there is nothing requiring a declaratory judgment under the Indian Civil Rights Act or the Indian Child Welfare Act. Having considered the parties' respective memoranda and relevant law, the undersigned recommends this matter be dismissed.[3]

BACKGROUND

Plaintiff Kandra Amboh is an enrolled member of the Eastern Shoshone Indian Tribe of the Wind River Reservation in Wyoming. Plaintiff seeks the return of two American Indian

[1] Because Ms. Amboh is proceeding pro se the court construes her pleading broadly and reviews them under a less stringent standard than that normally afforded to attorneys. *See Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991) ("A pro se litigant's pleadings are to be construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers.")

[2] Writ of Habeas Corpus and Petition for Declaratory Judgment at 2, ECF No. 1.

[3] This case is pending consent of the parties to the jurisdiction of the undersigned. According to the Local Rules, "[u]ntil all relevant parties consent, a magistrate judge's assignment as presiding judge is a referral from the Chief Judge under 28 U.S.C. § 636(b)(1)(B)." DUCivR 72-3(f) (2024).

children to her custody and moves for a Writ of Habeas Corpus from this court ordering their return.[4] Ms. Amboh asserts the children are being illegally detained. Plaintiff also seeks a declaratory judgment finding the Utah State Courts have no jurisdiction under the Indian Civil Rights Act[5] and the Indian Child Welfare Act.[6] Instead, Plaintiff argues jurisdiction lies exclusively with the "Sovereign Shoshone of the Eastern Band Tribe."[7]

In addition to Plaintiff's facts set forth in her Writ of Habeas Corpus and Petition for Declaratory Judgment the court also notes the following facts set forth in Defendants' Answer. Before doing so, however, the court notes that "[g]enerally, the sufficiency of a complaint must rest on its contents alone."[8] Thus, "[w]hen a party presents matters outside of the pleadings for consideration ... 'the court must either exclude the material or treat the motion as one for summary judgment.'"[9] Certain exceptions exist, and the court may consider: (1) documents attached to the complaint as exhibits; (2) documents referenced in the complaint that are central to the plaintiff's claims if the parties do not dispute the documents' authenticity; and (3) matters of which the court may take judicial notice.[10]

Here, Defendants present additional facts that Plaintiff fails to present. These facts involve the underlying state court action from which this case arises. Defendants' background is supported by Defendants' exhibits. These exhibits include copies of official court documents and

[4] Based on the facts set forth in Plaintiff's Application, Ms. Amboh is the mother of the children mentioned in the application.

[5] 25 U.S.C. §§ 1301-1304.

[6] 25 U.S.C. §§ 1901 et seq.

[7] Writ of Habeas Corpus and Petition for Declaratory Judgment at 4.

[8] *Gee v. Pacheco*, 627 F.3d 1178, 1186 (10th Cir. 2010).

[9] *Brokers' Choice of Am., Inc. v. NBC Universal, Inc*., 861 F.3d 1081, 1103 (10th Cir. 2017) (quoting *Alexander v. Oklahoma*, 382 F.3d 1206, 1214 (10th Cir. 2004)).

[10] *Gee*, 627 F.3d at 1186.

dockets from the underlying state court proceedings. The court takes judicial notice of these proceedings and notes the following additional background to the current dispute.[11]

This matter arises from an underlying case in the Eighth District Juvenile Court for the State of Utah. Defendant Nicolas Haney, the father of the children at the center of this case, filed a verified petition for ex parte child protective order. Judge Jeffry Ross, a named Defendant here, issued the ex parte child protective order and conducted hearings related to Mr. Haney's petition. This included holding a conference with a judge from the Tribal Court after Ms. Amboh filed a Motion to Dismiss and Transfer that case to the Tribal Court. The Wind River Tribal Court declined transfer and after an evidentiary hearing, Judge Ross entered a child protective order. Ms. Haney and Defendant Nicolas Haney have a pending divorce matter also in state court.

Defendants Erin Rawlings and Jeffery Ross filed an "Answer" to Plaintiff's Writ of Habeas Corpus and Petition for Declaratory Judgement. The court construes the Answer as a Motion to Dismiss based on two reasons. First, Defendants assert Plaintiff's requested relief should be denied arguing the writ of habeas corpus petition does not apply, the action is barred by Plaintiff's failure to exhaust state remedies, and there is no relevant question for a declaratory judgment. Second, Plaintiff responds to Defendants' "Answer" arguing Defendants' "motion to dismiss for lack of jurisdiction" should be denied and the court should overrule Defendants' Answer.[12] Defendant Nicholas Haney has yet to file an Answer, and a default certificate has been entered against him.

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[11] *See St. Louis Baptist Temple, Inc. v. Fed. Deposit Ins. Corp*., 605 F.2d 1169, 1172 (10th Cir. 1979) ("it has been held that federal courts, in appropriate circumstances, may take notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue").

[12] Amboh's Notice of Motion of Objection to Defendant's Motion to Dismiss for Lack of Jurisdiction at 1, ECF No. 15.

STANDARD OF REVIEW

"Federal courts are courts of limited jurisdiction, possessing only that power authorized by Constitution and statute."[13] The party seeking to invoke federal jurisdiction bears the burden of establishing it, and if that party fails to meet its burden, the court "cannot render judgment but must dismiss the cause at any stage of the proceedings in which it becomes apparent that jurisdiction is lacking."[14] "A court lacking jurisdiction must dismiss the cause at any stage of the proceeding in which it becomes apparent that jurisdiction is lacking."[15] Federal courts "have an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party," and thus a court may sua sponte raise the question of whether there is subject matter jurisdiction "at any stage in the litigation."[16]

Under the Federal Rules to survive a motion to dismiss a plaintiff must plead sufficient factual allegations "to state a claim to relief that is plausible on its face."[17] A claim is facially plausible "when the plaintiff pleads factual content that allows the court to draw the reasonable inference that they defendant is liable for the misconduct alleged."[18]

In evaluating the sufficiency of a complaint's allegations under the "Twombly/Iqbal pleading standard" the court undertakes a "two-prong approach."[19] Under the first prong, the court determines which allegations are not entitled to the assumption of truth and includes "legal conclusions" and "threadbare recitals of the elements of a cause of action, supported by mere

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[13] *Pueblo of Jemez v. United States*, 790 F.3d 1143, 1151 (10th Cir. 2015) (internal quotation marks omitted).

[14] *Full Life Hospice, LLC v. Sebelius*, 709 F.3d 1012, 1016 (10th Cir. 2013).

[15] *Scheideman v. Shawnee County Bd. of County Comm'rs*, 895 F.Supp. 279, 280 (D.Kan.1995) (citing *Basso v. Utah Power and Light Co*., 495 F.2d 906, 909 (10th Cir.1974)); Fed.R.Civ.P. 12(h)(3).

[16] *Arbaugh v. Y & H Corp*., 546 U.S. 500, 126 S.Ct. 1235, 1240, 1244, 163 L.Ed.2d 1097 (2006).

[17] *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007).

[18] *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009).

[19] *Alpenglow Botanicals, LLC v. United States*, 894 F.3d 1187, 1195 (10th Cir. 2018) (citation omitted).

conclusory statements."[20] The second prong requires the court to assume the truth of the well-pleaded factual allegations and determine whether they state a plausible claim for relief.[21]

DISCUSSION

In considering the memoranda from the parties and the record before the court, the undersigned finds multiple fatal flaws with Plaintiff's case. First, in construing Plaintiffs' pleadings broadly because she is proceeding pro se, it appears Plaintiff is seeking a decision from this court overruling the state court proceedings. Generally, the Rooker–Feldman doctrine precludes lower federal courts "from effectively exercising appellate jurisdiction over claims actually decided by a state court and claims inextricably intertwined with a prior state-court judgment."[22] The Supreme Court clarified the narrow scope of the Rooker–Feldman doctrine, stating that it is "confined to cases of the kind from which the doctrine acquired its name: cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments."[23]

Here, Plaintiff was the "loser" when the state court issued a child protective order and she did not retain custody of her children. Ms. Amboh seeks to overturn that order, which is something this court cannot do under the Rooker-Feldman doctrine. Thus, contrary to Plaintiff's assertions, this court does not have jurisdiction.

Next, the court finds Defendants' arguments persuasive. Under the Indian Civil Rights Act "the privilege of the writ of habeas corpus shall be available to any person, in a court of the

[20] *Id*. (citation omitted).

[21] *See id.* (citation omitted).

[22] *Mo's Express, LLC v. Sopkin,* 441 F.3d 1229, 1233 (10th Cir.2006) (quotations omitted).

[23] *Exxon Mobil Corp. v. Saudi Basic Indus. Corp*., 544 U.S. 280, 284, 125 S.Ct. 1517, 161 L.Ed.2d 454 (2005).

United States, to test the legality of his detention by order of an Indian tribe."[24] An application for writ of habeas corpus is available to any person "in custody pursuant to the judgment of a State court" and "shall not be granted unless it appears that – the applicant has exhausted the remedies available in the courts of the State."[25]

Here, Ms. Amboh has not been detained by order of an Indian tribe nor is she in custody based on a state court judgment. Rather, her children were removed from one parent (Ms. Amboh) and placed with the other parent (the children's father). Further, there is no record that Ms. Amboh appealed the state court decisions exhausting her remedies available in state court. Thus, a habeas petition is improper.

Finally, Plaintiff's request for a declaratory judgment suffers a similar demise. The Indian Child Welfare Act provides for the emergency removal of an Indian child to prevent imminent physical damage or harm to the child. It allows the involvement of a "State authority, official, or agency" to achieve this goal.[26] There is also nothing in the Act preventing the jurisdiction of a state court although jurisdiction may be transferred to the appropriate Indian tribe.[27] Plaintiff's arguments to the contrary offered in favor of a declaratory judgment are unavailing.

REPORT AND RECOMMENDATION

For the reasons set forth above, the undersigned RECOMMENDS that this case be dismissed. Finding a lack of jurisdiction, it is also recommended that Defendant Nicolas Haney be dismissed even though he does not file a Motion seeking such relief. Ms. Amboh's remaining motion should be denied or deemed moot.

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[24] 25 U.S.C. § 1303.

[25] 28 U.S.C. § 2254.

[26] 25 U.S.C. § 1922.

[27] *See id.*; 25 U.S.C. § 1903 (definitions).

NOTICE TO PARTIES

Copies of this Report and Recommendation are being sent to all parties, who are hereby notified of their right to object.[28] The parties must file any objection to this Report and Recommendation within fourteen (14) days of service. "[A] party's objections to the magistrate judge's report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court of for appellate review."[29] Failure to object may constitute a waiver of the objections upon subsequent review.

DATED this 16 June 2025.

Dustin B. Pead
United States Magistrate Judge

28 *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

29 *United States v. One Parcel of Real Prop. Known As 2121 East 30th Street, Tulsa, Okla.*, 73 F.3d 1057, 1060 (10th Cir. 1996).

ATTACHMENT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

KANDRA AMBOH, Plaintiff, v. NICHOLAS HANEY, JEFFRY ROSS, and ERIN RAWLINGS Defendants.	**ORDER ADOPTING REPORT AND RECOMMENDATION** Case No. 2:24-cv-00868-DBP Chief District Judge Robert J. Shelby Chief Magistrate Judge Dustin B. Pead

Before the court is the Report and Recommendation issued in the above captioned case by Chief Magistrate Judge Dustin B. Pead.[1] The Report recommends the case be dismissed for lack of jurisdiction and for failure to state a claim.

On November 19, 2024, Plaintiff filed the instant writ of habeas corpus and petition for declaratory judgment.[2] The writ argues that a state court's child protective was unlawful for several reasons.[3] On December 5, 2024, the Defendants filed a Motion to Dismiss.[4] Judge Pead issued his Report recommending dismissal on June 16, 2025.[5] Judge Pead advised Plaintiff of her right to object within fourteen days of service, pursuant to Federal Rule of Civil Procedure 72(b).[6] Judge Pead further cautioned that "[f]ailure to object may constitute a waiver of the objections upon subsequent review."[7]

Under DUCivR 72-3(f), "[u]ntil all relevant parties consent, a magistrate judge's

[1] Dkt. 28, *Report and Recommendation* (*Report*).

[2] Dkt. 1, *Application for Writ of Habeas Corpus and Petition for Declaratory Judgment*.

[3] *Id*.

[4] Dkt. 9, *Answer to Application for Writ of Habeas Corpus and Petition for Declaratory Judgment*.

[5] *Report*.

[6] *Report* at 7.

[7] *Id.*

assignment as presiding judge is a referral from the Chief Judge under 28 U.S.C. § 636(b)(1)(B)." Accordingly, the undersigned will evaluate the Report.

Federal Rule of Civil Procedure 72(b)(2) allows parties to file "specific written objections to the proposed findings and recommendations" within fourteen days after being served with a copy of the recommended disposition. When no objections are filed, the Supreme Court has suggested no further review by the district court is required, but nor is it precluded.[8] This court reviews for clear error any report and recommendation to which no objections have been raised.[9]

More than three weeks have now passed since the Report was filed and Plaintiff has not asserted any objections with the court. Accordingly, this court reviews the Report for clear error. Having carefully considered the Report, the court finds no clear error. Thus, the court ADOPTS the Report in full.[10]

[8] *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) ("The [Federal Magistrate's Act] does not on its face require any review at all, by either the district court or the court of appeals, of any issue that is not the subject of an objection.").

[9] *See, e.g.*, *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999) ("If no objection or only partial objection is made [to a magistrate judge's report and recommendation], the district court judge reviews those unobjected portions for clear error.") (citations omitted); *see also* Fed. R. Civ. P. 72(b) Advisory Committee's Note to 1983 Amendment ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.") (citing *Campbell v. U.S. Dist. Court for N. Dist. of Cal.*, 501 F.2d 196, 206 (9th Cir. 1974), *cert. denied*, 419 U.S. 879).

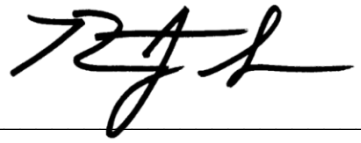
[10] Dkt. 28.

CONCLUSION

For the reasons set forth in the Report, Plaintiff's Writ is DISMISSED. The Clerk of Court is directed to close this case.

SO ORDERED this 10th day of July 2025.

BY THE COURT:



ROBERT J. SHELBY

Chief United States District Judge

ATTACHMENT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

KANDRA AMBOH, Plaintiff, v. NICHOLAS HANEY, JEFFRY ROSS, and ERIN RAWLINGS, Defendants.	**JUDGMENT IN A CIVIL CASE** Case No. 2:24-cv-00868 Chief District Judge Robert J. Shelby Magistrate Judge Dustin B. Pead

IT IS HEREBY ORDERED AND ADJUDGED that judgment is entered in favor of Defendants.

SO ORDERED this 10th day of July 2025.

BY THE COURT:

ROBERT J. SHELBY
United States Chief District Judge