

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

October 9, 2026

Christopher M. Wolpert
Clerk of Court

GODFREY WEIR,

Plaintiff - Appellant,

v.

DARDEN RESTAURANTS; OLIVE
GARDEN HOLDINGS,

Defendants - Appellees.

No. 26-4056
(D.C. No. 4:26-CV-00001-AMA)
(D. Utah)

ORDER AND JUDGMENT*

Before **MORITZ**, **BALDOCK**, and **EID**, Circuit Judges.

Godfrey Weir¹ appeals the district court’s dismissal of his complaint and the denial of his motion for leave to file an amended complaint. Primarily because he fails to meaningfully challenge the bases for the district court’s ruling, we affirm.

Weir initiated this action in early 2026, alleging that “[o]n or about September 12, 2014,” his employer “failed to pay [him] \$172.94 in wages owed” to

* 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. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. But it may be cited for its persuasive value. *See* Fed. R. App. P. 32.1(a); 10th Cir. R. 32.1(A).

¹ Weir is proceeding pro se, so we construe his filings liberally. *See Kay v. Bemis*, 500 F.3d 1214, 1218 (10th Cir. 2007).

him. R. 14. He asserted claims under the Fair Labor Standards Act (FLSA) and the Utah Payment of Wages Act (UPWA). Weir later moved to file an amended complaint, which added a claim for discrimination and retaliation under Title VII of the Civil Rights Act of 1964.

Because Weir proceeded in forma pauperis, the magistrate judge screened his complaint under 28 U.S.C. § 1915(e)(2)(B). The magistrate judge recommended dismissing Weir's complaint and denying Weir's motion to amend. Specifically, the magistrate judge recommended dismissing the FLSA claim as time-barred, *see Mumby v. Pure Energy Servs. (USA), Inc.*, 636 F.3d 1266, 1270 (10th Cir. 2011), declining to exercise supplemental jurisdiction over the UPWA claim, *see Trujillo v. Amity Plaza, LLC*, 182 F.4th 1266, 1277–78 (10th Cir. 2026), and denying leave to amend on the grounds that the Title VII claim was insufficiently pleaded.

The district court, over what it construed as Weir's objections, reviewed de novo. It adopted the magistrate judge's report and recommendation and dismissed Weir's claims with prejudice, adding that not only did Weir fail to state a Title VII claim, but that any such claim would be untimely. *See Montes v. Vail Clinic, Inc.*, 497 F.3d 1160, 1163 (10th Cir. 2007).

Weir appeals. He argues as a general matter that the district court failed to conduct a de novo review of the magistrate judge's report and recommendation. *See* 28 U.S.C. § 636(b). We disagree. The district court expressly stated that “even under de novo review, [it] would adopt the [r]eport and [r]ecommendation because the [m]agistrate [j]udge's analysis [wa]s correct.” R. 40. It also went on to explain its

reasoning. That was sufficient. *See Garcia v. City of Albuquerque*, 232 F.3d 760, 766–67 (10th Cir. 2000).

The remainder of Weir’s appellate brief fails to address the bases for the district court’s ruling. He does not argue that his FLSA or Title VII claims, as pleaded below, were timely; that the district court abused its discretion in declining to exercise supplemental jurisdiction over the UPWA claim; or that his pleadings below sufficiently stated a Title VII claim. By failing to address the bases for the district court’s ruling, Weir has waived any challenge to them. *See Merryfield v. Jordan*, 584 F.3d 923, 925 n.2 (10th Cir. 2009) (explaining that inadequately briefed arguments are waived and applying rule to pro se litigant).

Rather than contesting the district court’s reasoning, Weir advances arguments about claims and allegations he did not raise below. First, he includes new factual allegations in his Title VII claim—that his supervisor “referred to him on multiple occasions using [a] racial epithet,” Aplt. Br. 4—and now characterizes his claim as asserting a hostile work environment. Next, he contends that the withheld wages were retaliation for his filing of a charge of discrimination with the Equal Employment Opportunity Commission, which supposedly violated the FLSA and UPWA. Last, Weir argues that the district court erred in dismissing a purported claim under 42 U.S.C. § 1981. Weir may not introduce these new allegations, claims, and theories for the first time on appeal. *See Requena v. Roberts*, 893 F.3d 1195, 1205 (10th Cir.

2018); *KT & G Corp. v. Att’y Gen. of Okla.*, 535 F.3d 1114, 1142 (10th Cir. 2008).

Thus, we do not consider them.²

Because the district court properly reviewed the magistrate judge’s report and recommendation and Weir waived all other arguments, we affirm. We deny Weir’s “Motion for Expedited Review and Disposition” as moot.

Entered for the Court

Nancy L. Moritz
Circuit Judge

² We also note our concern with the numerous, significant misrepresentations in Weir’s brief. Weir falsely represents that his new factual allegations and claims were brought below and addressed by the district court. Additionally, Weir cites nonexistent cases, misquotes existing cases, and misattributes holdings to other cases. These misrepresentations—which appear to stem from Weir’s misuse of generative artificial intelligence (GenAI)—are sanctionable. *See Moore v. City of Del City*, No. 25-6002, 2025 WL 3471341, at *2–3 (10th Cir. Dec. 3, 2025) (unpublished); *Amarsingh v. Frontier Airlines, Inc.*, No. 24-1391, 2026 WL 352016, at *5–8 (10th Cir. Feb. 9, 2026) (unpublished). Although we decline to consider sanctions against Weir at this time, we warn him that misuse of GenAI in future filings before this court may result in sanctions.