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7 UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

8 HANNIBAL ABDULLAH-EL,

9 Plaintiff,

Case No. 14-cv-1437RSM

10 v.

11 KING COUNTY MUNICIPAL COURT, et al.,

ORDER DECLINING TO SERVE
COMPLAINT AND GRANTING
LEAVE TO AMEND

12 Defendants.

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14 Plaintiff Hannibal Abdullah-El filed this civil rights complaint under 42 U.S.C. § 1983
15 *pro se* and *in forma pauperis*. See Dkt. # 3 (“Compl.”). Plaintiff alleges violations of his
16 constitutional rights arising out of his 2012 confinement at the King County Jail and transfer
17 to the Western State Hospital for psychiatric evaluation. Dkt. # 3. Plaintiff brings his
18 Complaint against thirty-five named individual and entity defendants as well as various
19 unnamed judicial, municipal, and county officers. Having reviewed and screened Plaintiff’s
20 Complaint under 28 U.S.C. § 1915(e), the Court declines to serve Plaintiff’s Complaint on
21 Defendants and provides him leave to file an amended pleading to cure the deficiencies
22 identified herein.

23 **Applicable Legal Standards**

24 Rule 8(a) of the Federal Rules of Civil Procedure provides that in order to state a
25 claim for relief, a pleading must contain: (1) a short and plain statement of the grounds for the
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1 Court’s jurisdiction, (2) a short and plain statement of the claim showing that the pleader is
2 entitled to relief, and (3) a demand for the relief sought. Fed. R. Civ. P. 8(a). Each allegation
3 must be “simple, concise, and direct.” Fed. R. Civ. P. 8(d)(1). “Something labeled a complaint
4 but written more as a press release, prolix in evidentiary detail, yet without simplicity,
5 conciseness, and clarity as to whom plaintiffs are suing for what wrongs, fails to perform the
6 essential functions of a complaint.” *McHenry v. Renne*, 84 F.3d 1172, 1180 (9th Cir. 1996).

7 The pleading may not simply allege that a wrong has been committed and demand
8 relief for it. *See Ashcroft v. Iqbal*, 556 U.S. 662, 677 (2009). Rather, the underlying
9 requirement is that a pleading give “fair notice” to defendants of the claim being asserted and
10 the “grounds upon which its rests.” *Yamaguchi v. United States Department of Air Force*, 109
11 F.3d 1475, 1481 (9th Cir. 1997). To meet this requirement, the complaint must allege
12 sufficient facts that, accepted as true, state a plausible claim to relief. *Ashcroft*, 556 U.S. at
13 678. “[N]aked assertions devoid of further factual enhancement” will not do; neither will
14 “labels and conclusions” or a “formulaic recitation of the elements of a cause of action.” *Id.*
15 (internal alterations and quotations omitted). In sum, the factual allegations in the complaint
16 must be “enough to raise a right to relief above the speculative level.” *Bell Atlantic Corp. v.*
Twombly, 550 U.S. 5445, 555 (2007).

17 In order to state a claim for relief under 42 U.S.C. § 1983, a plaintiff must show that:
18 (1) he suffered a violation of rights protected by the Constitution or created by federal statute,
19 and (2) the violation was proximately caused by a person acting under color of state law. *See*
20 *Crumpton v. Gates*, 947 F.2d 1418, 1420 (9th Cir. 1991). The first step in a § 1983 claim is
21 therefore to identify the specific constitutional right allegedly infringed. *Albright v. Oliver*,
22 510 U.S. 266, 271 (1994). To satisfy this second prong, a plaintiff must allege facts showing
23 how individually named defendants caused, or personally participated in causing, the harm
24 alleged in the complaint. *See Arnold v. IBM*, 637 F.2d 1350, 1355 (9th Cir. 1981).

25 A local government unit or municipality can be sued as a “person” under § 1983.
26 *Monell v. Department of Social Servs. of City of New York*, 436 U.S. 658, 691 (1978).

1 However, a municipality cannot be held liable under § 1983 based on its vicarious liability for
2 its employees. *Id.* Rather, a plaintiff seeking to impose liability on a municipality (or county)
3 under § 1983 must identify a municipal (or county) “policy” or “custom” that caused his
4 injury. *Bryan County Commissioners v. Brown*, 520 U.S. 397, 403 (1997) (citing *Monell*, 436
5 U.S. at 694). In other words, a plaintiff must allege that the defendant’s own conduct violated
6 his civil rights. *City of Canton, Ohio v. Harris*, 489 U.S. 378, 390-92 (1989).

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8 **Discussion of Plaintiff’s Complaint**

9 The Court finds that Plaintiff’s Complaint does not comply with the standards set forth
10 above and is subject to dismissal prior to service under 28 U.S.C. § 1915(e) for failure to state
11 a claim and for seeking monetary relief against defendants who are immune from suit.
12 Specifically, the Court alerts Plaintiff to the following deficiencies in his Complaint:

13 (1) Plaintiff’s Complaint is generally deficient because it fails to satisfy the requirements
14 of Federal Rule of Civil Procedure 8(a). Plaintiff’s Complaint, which including attachments
15 totals 140 pages, is lengthy, confusing, and insufficient to put any of the purported defendants
16 on notice of Plaintiff’s claims against them or the grounds on which these claims rest. The
17 Complaint lacks all of the requisite elements, including a concise statement of the Court’s
18 jurisdiction, of the cause or causes of action asserted, and of the relief that he seeks. The
19 Complaint in its substance lacks specific factual allegations against the named Defendants, the
20 majority of whom are mentioned only in the case caption. Rather, it consists principally of
21 lengthy citations from Plaintiff’s psychiatric reports entirely disconnected from any legal
22 claim. Such a pleading will not do. Instead, Plaintiff must file a concise complaint, which
23 clearly identifies each defendant, the claims he intends to assert against each defendant, the
24 specific facts which he believes support his claims against each defendant, and the relief to
25 which he believes he is entitled.
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1 (2) As to the specific defendants identified by Plaintiff in his Complaint, the pleadings are
2 insufficient in the following respects:

3 a. Plaintiff identifies various county and municipal entities as defendants,
4 including King County Municipal Court, Snohomish County Municipal Court, and the Seattle
5 Police Department. However, “in a legal action involving a county, the county itself is the
6 only legal entity capable of suing and being sued.” *Nolan v. Snohomish County*, 59 Wn.App.
7 876, 883, 802 P.2d 792 (1990). The same principle holds for municipal entities. *See Bradford*
8 *v. City of Seattle*, 557 F.Supp.2d 1189, 1207 (dismissing Seattle Police Department as an
9 improper defendant). If Plaintiff elects to pursue a claim against King County, Snohomish
10 County, or the City of Seattle, he must specifically identify the County and/or City as a
11 defendant in this action and must identify, with specificity, the custom or policy of this entity
12 which allegedly caused his injuries.

13 b. Plaintiff also appears to identify various Washington State agencies in his
14 Complaint as defendants, including the “Dept. of Licensing,” the “Toll Enforcement Office,”
15 “Labor and Industries (Washington State),” the Washington Department of Social and Health
16 Services (“DSHS”), and Western State Hospital. These entities are also not proper defendants
17 in this action. The United States Supreme Court has made clear that neither a state nor its
18 officials acting in their official capacities are “persons” within the meaning of § 1983. *Will v.*
19 *Michigan Department of State Police*, 491 U.S. 58, 71 (1989). States and state agencies are
20 immune from suit in federal court under the Eleventh Amendment unless a state expressly
21 waives its constitutional immunity. *Alden v. Maine*, 527 U.S. 706 (1999). The State of
22 Washington has not waived its Eleventh Amendment immunity. *Whiteside v. State of*
23 *Washington*, 534 F.Supp. 774 (E.D. Wash. 1982). Accordingly, these defendant state entities
24 are immune from suit. *See Banks v. Washington*, 2009 WL 3831539 (W.D. Wash. 2009)
(specifically identifying Western State Hospital as an improper § 1983 defendant).

25 c. So too, the several judicial officers named in Plaintiff’s Complaint are entitled
26 to absolute immunity from suit under the doctrine of judicial immunity for acts that relate to

1 the judicial process. *See Stump v. Sparkman*, 435 U.S. 349, 355-56 (1978). This immunity
2 insulates judges from liability even when it is alleged that their actions were driven by
3 malicious or corrupt motives. *See Forrester v. White*, 484 U.S. 219, 225 (1988). Further, the
4 Supreme Court has extended absolute quasi-judicial immunity to non-judicial officers for
5 “claims relating to the exercise of judicial functions.” *Curry v. Castillo*, 297 F.3d 940, 947
6 (2001) (quoting *Burns v. Reed*, 500 U.S. 478, 499 (1991)); *see also In re Castillo*, 297 F.3d
7 940, 948 (9th Cir. 2002) (*Cleavinger v. Saxner*, 474 U.S. 193, 200 (1985)). Absent facts
8 specifically showing that these officers acted completely outside of judicial capacity or
9 jurisdiction, they are not proper defendants in this action. *See Mireles v. Waco*, 502 U.S. 9,
10 11-12 (1991).

11 d. Plaintiff also named two federal agencies, the Social Security Administration
12 and the Internal Revenue Service, as defendants though without stating any specific
13 allegations against them. Section 1983 imposes liability on persons acting under color of state
14 law. *See Gibson v. United States*, 781 F.2d 1334, 1338 (9th Cir. 1986). A federal agency is
15 not a person within the meaning of section 1983. *See Jachetta v. United States*, 653 F.3d 898,
16 908 (9th Cir. 2011). Thus Plaintiff cannot, as a matter of law, state a cause of action under
17 section 1983 against either of these federal agencies. Outside of the § 1983 context, a plaintiff
18 may seek redress for a violation of a constitutionally protected interest by a federal official
19 pursuant to *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971). However, the
20 Supreme Court has held that federal agencies (as opposed to individual, named federal
21 officers) are not subject to liability for damages in such a so-called *Bivens* action. Plaintiff
22 therefore cannot proceed against these Defendants as to alleged deprivations of his
23 constitutional rights.

24 e. Finally, Plaintiff names numerous defendants in his case caption against whom
25 his Complaint is entirely devoid of factual allegations. As to all Defendants, Plaintiff must
26 allege sufficient, specific facts demonstrating that they personally participated in the violation
of his federal constitutional rights and that they did so acting under color of state law.

1 Otherwise, Defendants against whom no factual allegations are stated must be dismissed from
2 this action.

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4 **CONCLUSION**

5 For the reasons stated herein, the Court finds that Plaintiff's Complaint is subject to
6 dismissal pursuant to 28 U.S.C. § 1915(e) for failure to state a claim and for seeking monetary
7 relief against defendants who are immune from suit. Accordingly, the Court declines to serve
8 Plaintiff's Complaint and hereby ORDERS as follows:

9 (1) Plaintiff's Motion to Appoint Counsel (Dkt. # 4), Motion for Serving Summons,
10 Subpoena, and Complaint (Dkt. # 5), and Motion for Summary Judgment (Dkt. # 6)
11 are DENIED as MOOT.

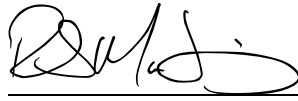
12 (2) Plaintiff is granted leave to amend his Complaint in order to correct the deficiencies
13 described above. Plaintiff may file an amended complaint curing these deficiencies
14 within **thirty (30) days** of the entry of this Order. The amended complaint must carry
15 the same case number as this one. If no amended complaint is timely filed, this action
16 will be dismissed under 28 U.S.C. § 1915(e).

17 (3) Plaintiff is advised that the amended complaint operates as a complete substitute for
18 his original pleading. *See Ferdik v. Bonzelet*, 963 F.3d 1258, 1262 (9th Cir. 1992).
19 Thus, any amended complaint must clearly identify the defendants, the constitutional
20 claim or claims asserted, the specific facts which plaintiff believes support each claim,
21 and the specific relief requested. Failure to comply with the pleading standards
22 described herein will also result in the dismissal of this action with prejudice and
23 without leave for further amendment.

24 (4) Plaintiff is again advised (*see* Minute Order, Dkt. # 13) that he must redact (i.e. black-
25 out or remove) sensitive personal identifying information from any of his electronic or
26 paper filings in this case. *See* Fed. R. Civ. P. 5.2; LCR 5.2. Information that must be
redacted in whole or in part includes Plaintiff's date of birth, social security number,

1 passport number, and driver's license number. *See* LCR 5.2. The Clerk is DIRECTED
2 to SEAL the exhibits posted by Plaintiff at Dkt. # 14, which include such sensitive
3 personal identifying information in contravention of the Court's earlier Minute Order.
4 Plaintiff is advised that any further filings containing his un-redacted date of birth,
5 social security number, passport number, or driver's license number will be returned
6 to him and will not be filed in this case.

7 DATED this 28 day of January 2015.

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9 RICARDO S. MARTINEZ
10 UNITED STATES DISTRICT JUDGE
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