THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KOANG GACH, Plaintiff, v. GRANT LYONS, *et al.*, Defendants.	CASE NO. C24-1285-JCC ORDER

This matter comes before the Court on Defendant Jamie Douglas's unopposed motion to dismiss (Dkt. No. 21). Having reviewed the motion and the relevant record, the Court finds good cause and GRANTS the motion, as further described below.

The Court described the relevant facts and procedure in a prior order dismissing a different defendant, Mr. Grant Lyons. (Dkt. No. 24 at 1.) As with Mr. Lyons's motion to dismiss, the date of the events is again critical. Plaintiff alleges that the pertinent events occurred on May 7, 2018. (Dkt. No. 9 at 6.) Plaintiff filed his proposed complaint on August 16, 2024, and the operative complaint on August 30, 2024. (*See generally* Dkt. Nos. 1, 9.) Accordingly, Defendant Douglas now moves to dismiss under Rule 12(b), arguing Plaintiff's claims under 42 U.S.C. § 1983 are barred by a three-year statute of limitations. (Dkt. No. 21 at 2–3.) Plaintiff does not respond.

In Washington, a plaintiff has three years to file a § 1983 action from the time the

plaintiff knew or should have known the factual basis for the claim. *See* RCW 4.16.080(2); *Gausvik v. Perez*, 392 F.3d 1006, 1009 (9th Cir. 2004); *see also Bagley v. CMC Real Est. Corp.*, 923 F.2d 758, 760 (9th Cir. 1991) (applying RCW 4.16.080(2) statute of limitations to a § 1983 action in Washington). Plaintiff alleges the events here occurred, and therefore his claim began accruing, on May 7, 2018. Plaintiff did not file his complaint until more than six years later, well outside the statute of limitations.

Accordingly, Defendant's motion (Dkt. No. 21) is GRANTED. All claims against Defendant Douglas are dismissed with prejudice for failure to state a claim. The Clerk is directed to send a copy of this order to Plaintiff.

DATED this 6th day of March 2025.

John C. Coughenour
UNITED STATES DISTRICT JUDGE