

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 KOANG GACH,

11 Plaintiff,

CASE NO. C24-1285-JCC

12 v.

ORDER

13 GRANT LYONS, *et al.*,

14 Defendants.

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

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

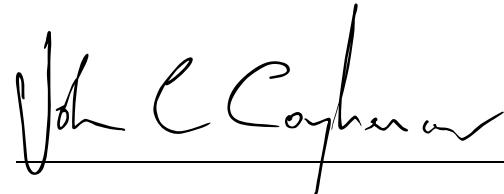
26 In Washington, a plaintiff has three years to file a § 1983 action from the time the

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

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

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11 DATED this 6th day of March 2025.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE