

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WASHINGTON

Kurt J. Angelone v. Aaron Brown

No. 2:25-CV-0373-TOR · No. 2:25-CV-0373-TOR · Decided November 25, 2025

SUMMARY

The United States District Court for the Eastern District of Washington considered a defendant’s motion to dismiss, the plaintiff’s motion for leave to amend, and the plaintiff’s motion to stay proceedings. The court dismissed the plaintiff’s federal Eighth Amendment claims with prejudice, dismissed the state-law claim without prejudice, denied leave to amend, and denied the motion to stay. The court also found service insufficient but concluded that the plaintiff still had time to effect proper service after removal.

CASE DETAILS

COURT	United States District Court for the Eastern District of Washington
JURISDICTION	United States District Court for the Eastern District of Washington
DECIDED	November 25, 2025
DOCKET	2:25-CV-0373-TOR
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to dismiss after removing Plaintiff's state-court action to federal court. Plaintiff moved for leave to amend the complaint and for an automatic stay.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and construes them in the light most favorable to the nonmoving party, but legal conclusions and conclusory assertions are insufficient; the complaint must state a plausible claim for relief. Motions to amend and stay are committed to the court's discretion. Insufficient service permits the court to dismiss or quash service in its discretion.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Kurt J. Angelone v. Aaron Brown

TOPICS

- motions to dismiss
- service of process
- motion to amend
- prisoners rights
- civil procedure

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

constitutional law

torts

QUESTIONS PRESENTED

1. Whether Plaintiff should be permitted to amend his complaint to remove or recast the federal claims.
2. Whether the proceedings should be stayed or Plaintiff's response deadline extended.
3. Whether service of process was insufficient and what consequence should follow.
4. Whether Plaintiff's complaint plausibly stated Eighth Amendment excessive-force and deliberate-indifference claims.
5. Whether the court should exercise supplemental jurisdiction over the state-law negligence claim after dismissing the federal claims.

HOLDINGS

1. Leave to amend was denied because Plaintiff's proposed amendment did not cure the deficiencies identified in the prior case, attempted to recast substantially identical claims, and amendment would not be in the interest of justice.
2. The motion for an automatic stay was denied because Plaintiff did not establish good cause or satisfy the requirements supporting a stay.
3. Service of process was insufficient, but dismissal was not required at that point because Plaintiff still had time after removal to effect proper service under the Federal Rules.
4. Plaintiff failed to state an Eighth Amendment excessive-force claim because the alleged unauthorized training and CS-gas exposure did not plausibly show that Defendant applied force maliciously and sadistically for the purpose of causing harm.
5. Plaintiff failed to state an Eighth Amendment deliberate-indifference claim because he did not plausibly allege that Defendant knew of and disregarded a substantial risk to Plaintiff's health or safety.
6. The court declined to exercise supplemental jurisdiction over Plaintiff's state-law negligence claim after dismissing the federal claims and dismissed the state claim without prejudice.

KEY QUOTATIONS

“a prison official cannot be found liable under the Eighth Amendment for denying an inmate humane conditions of confinement unless the official knows of and disregards an excessive risk to inmate health or safety; the official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference.” (Discussion C.II.c)

“Plaintiff's federal claims are DISMISSED with prejudice. Plaintiff's state law claim is DISMISSED without prejudice.” (Order)

FACTUAL BACKGROUND

Plaintiff, a prisoner, alleged that Defendant conducted an unauthorized training exercise involving a CS grenade near an HVAC system connected to prisoner cells. Plaintiff alleged that the gas entered his cell, causing breathing difficulty, burning eyes and lungs, coughing, choking, and exacerbation of chronic obstructive pulmonary disease. He further alleged that he requested emergency medical assistance for chest pain but was denied care, and asserted Eighth Amendment excessive-force and deliberate-indifference claims along with a Washington negligence claim.

PROCEDURAL HISTORY

Plaintiff previously brought related federal claims in a case that was severed and then dismissed without prejudice for failure to state a claim, with leave to pursue state claims in state court. Plaintiff filed a new complaint in Spokane County Superior Court, and Defendant removed it based on federal-question jurisdiction. The district court denied leave to amend and a stay, granted the motion to dismiss in part, dismissed the federal claims with prejudice, dismissed the state-law claim without prejudice, and closed the case.

DISPOSITION

other

CASES CITED

- *Negrete v. City of Oakland*, 46 F.4th 811, 816 (9th Cir. 2022)
- *Holmes Group, Inc. v. Vornado Air Circulation Systems, Inc.*, 535 U.S. 826, 831 (2002)
- *Caterpillar Inc. v. Williams*, 482 U.S. 386, 398-99 (1987)
- *Hall v. City of Los Angeles*, 697 F.3d 1059, 1073 (9th Cir. 2012)
- *Watson v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012)
- *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010)
- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992), as amended (May 22, 1992)
- *E. Bay Sanctuary Covenant v. Biden*, 993 F.3d 640, 661 (9th Cir. 2021)
- *Al Otro Lado v. Wolf*, 952 F.3d 999, 1006 (9th Cir. 2020)
- *Doe #1 v. Trump*, 957 F.3d 1050, 1058 (9th Cir. 2020)
- *Immigrant Defenders Law Center v. Noem*, 145 F.4th 972, 985-86 (9th Cir. 2025)
- *Nken v. Holder*, 556 U.S. 418, 434 (2009)
- *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258-59 (9th Cir. 2010)
- *Whidbee v. Pierce County*, 857 F.3d 1019, 1023-25 (9th Cir. 2017)
- *S.J. v. Issaquah School District No. 411*, 470 F.3d 1288, 1293 (9th Cir. 2006)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 545, 555-56, 570 (2007)
- *Papasan v. Allain*, 478 U.S. 265, 286 (1986)
- *Kwan v. SanMedica International*, 854 F.3d 1088, 1096 (9th Cir. 2017)
- *Turner v. City & County of San Francisco*, 788 F.3d 1206, 1210 (9th Cir. 2015)

- Griffin v. Arpaio, 557 F.3d 1117, 1119 (9th Cir. 2009)
- Johnson v. Lewis, 217 F.3d 726, 731 (9th Cir. 2000)
- Wilson v. Seiter, 501 U.S. 293, 298 (1991)
- Wood v. Beauclair, 692 F.3d 1041, 1050 (9th Cir. 2012)
- Whitley v. Albers, 475 U.S. 312, 320 (1986)
- Farmer v. Brennan, 511 U.S. 825, 832, 834, 837, 844 (1994)
- Hudson v. Palmer, 468 U.S. 517, 526-27 (1984)
- Clement v. Gomez, 298 F.3d 898, 904-05 (9th Cir. 2002)
- Frost v. Agnos, 152 F.3d 1124, 1128 (9th Cir. 1998)
- Estelle v. Gamble, 429 U.S. 97, 104-05 (1976)
- Cousins v. Lockyer, 568 F.3d 1063, 1070 (9th Cir. 2009)
- United Mine Workers of America v. Gibbs, 383 U.S. 715, 726 (1966)
- Satanic Temple v. Labrador, 149 F.4th 1047, 1054 (9th Cir. 2025)
- Henderson v. Duncan, 779 F.2d 1421 (9th Cir. 1986)
- Ass'n of Naturopathic Physicians v. Hayhurst, 227 F.3d 1104, 1107-08 (9th Cir. 2000), as amended on denial of reh'g (Nov. 1, 2000)