

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON,
EUGENE DIVISION

Tamara Terry v. Douglas County Children’s Center, Inc. dba Douglas Cares, a domestic non-profit; Douglas County District Attorney Rick Wesenberg, an individual; and Anita Cox, an individual

Terry · No. 6:25-cv-00881-AA · Decided March 5, 2026

SUMMARY

The United States District Court for the District of Oregon grants motions to dismiss claims brought by Tamara Terry against Douglas County Children’s Center, Inc. and Douglas County District Attorney Rick Wesenberg. The court dismisses Terry’s claims under 42 U.S.C. § 1983 because she stipulated to dismissal of the claims against the private entity and her personal-capacity claims against Wesenberg, while official-capacity damages claims were unavailable. The court also declines supplemental jurisdiction over the remaining state-law claims and dismisses them without prejudice.

CASE DETAILS

COURT	United States District Court for the District of Oregon, Eugene Division
WRITING FOR THE COURT	Ann Aiken
JURISDICTION	United States District Court for the District of Oregon, Eugene Division
DECIDED	March 5, 2026
DOCKET	6:25-cv-00881-AA
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants CARES and District Attorney Rick Wesenberg moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the federal claims against them. Plaintiff stipulated to dismissal of her § 1983 claim against CARES and her personal-capacity § 1983 claim against Wesenberg. The court granted the motions, dismissed the federal claims without prejudice, declined supplemental jurisdiction over the remaining state-law claims, and dismissed those claims without prejudice.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts material factual allegations as true and construes them in the plaintiff’s favor, but need

	not accept legal conclusions couched as factual allegations. Dismissal is appropriate where the complaint lacks a cognizable legal theory or sufficient facts under a cognizable legal claim.
PRECEDENTIAL VALUE	Unknown
PARTIES	Tamara Terry v. Douglas County Children’s Center, Inc. dba Douglas Cares, Douglas County District Attorney Rick Wesenberg, Anita Cox

TOPICS

[motions to dismiss](#)
[section 1983](#)
[civil rights](#)
[government liability](#)
[civil procedure](#)

PRACTICE AREAS

[civil rights](#)
[civil procedure](#)
[employment law](#)
[constitutional law](#)
[remedies](#)

QUESTIONS PRESENTED

1. Whether CARES could be treated as a state actor subject to liability under 42 U.S.C. § 1983.
2. Whether Plaintiff could maintain a damages claim under § 1983 against District Attorney Rick Wesenberg in his official capacity after stipulating to dismissal of her personal-capacity claim.
3. Whether the court should exercise supplemental jurisdiction over Plaintiff’s state-law claims after dismissing all federal claims against CARES and Wesenberg.

HOLDINGS

1. A private entity is not subject to § 1983 liability unless its challenged conduct qualifies as state action under an applicable state-action test. Plaintiff alleged no facts or argument establishing that CARES was a state actor, and she stipulated to dismissal of the § 1983 claims against CARES.
2. Plaintiff could not maintain a damages claim against Wesenberg in his official capacity because an official-capacity damages suit is treated as a suit against the governmental entity or sovereign, which is not a person subject to damages liability under § 1983. Because Plaintiff stipulated to dismissal of the personal-capacity claim, the § 1983 claims against Wesenberg were dismissed.
3. The court declined to exercise supplemental jurisdiction over the state-law claims against CARES and Wesenberg after dismissing all federal claims over which it had original jurisdiction, and dismissed the state-law claims without prejudice.

KEY QUOTATIONS

“To survive a motion to dismiss under Rule 12(b)(6), a complaint must contain sufficient factual matter to “state a claim to relief that is plausible on its face.”” (Legal Standard)

“Satisfaction of any one test is sufficient to find state action, so long as no countervailing factor exists.” (Discussion § I.A)

“Typically, “[w]hen federal claims are dismissed before trial . . . pendant state claims also should be dismissed.”” (Discussion § II)

FACTUAL BACKGROUND

Tamara Terry was the former Deputy Director of CARES, a private nonprofit child-abuse intervention center that worked with Oregon agencies and law enforcement. She alleged that she raised concerns about discrepancies between CARES and the Douglas County District Attorney’s data concerning child-abuse referrals and opposed changes to referral protocols that she believed violated law and protected child-abuse victims. She further alleged that CARES Board President Anita Cox and District Attorney Rick Wesenberg retaliated against her, contributing to a hostile work environment and constructive discharge.

PROCEDURAL HISTORY

Plaintiff filed a complaint asserting two claims under 42 U.S.C. § 1983 and six state-law claims against CARES, Rick Wesenberg, and Anita Cox. CARES and Wesenberg moved to dismiss. Plaintiff conceded or stipulated to dismissal of the § 1983 claims against CARES and Wesenberg in his personal capacity, while maintaining that Wesenberg could be liable in his official capacity. The court rejected the official-capacity damages theory, dismissed the federal claims against CARES and Wesenberg, and declined to exercise supplemental jurisdiction over the remaining state-law claims against those defendants.

DISPOSITION

dismissed

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 663, 678–79 (2009)
- Robertson v. Dean Witter Reynolds, Inc., 749 F.2d 530, 534 (9th Cir. 1984)
- Gonzaga University v. Doe, 536 U.S. 273, 285 (2002)
- Anderson v. Warner, 451 F.3d 1063, 1067 (9th Cir. 2006)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Caviness v. Horizon Community Learning Center, Inc., 590 F.3d 806, 812 (9th Cir. 2010)
- American Manufacturers Mutual Insurance Co. v. Sullivan, 526 U.S. 40, 50 (1999)
- Sutton v. Providence St. Joseph Medical Center, 192 F.3d 826, 835 (9th Cir. 1999)
- Brentwood Academy v. Tennessee Secondary School Athletic Association, 531 U.S. 288, 295 (2001)
- Jackson v. Metropolitan Edison Co., 419 U.S. 345, 351 (1974)
- Rawson v. Recovery Innovations, Inc., 975 F.3d 742, 747 (9th Cir. 2020)
- Kirtley v. Rainey, 326 F.3d 1088, 1092 (9th Cir. 2003)
- Pistor v. Garcia, 791 F.3d 1104, 1114 (9th Cir. 2015)
- Cornel v. Hawaii, 37 F.4th 527, 531 (9th Cir. 2022)

- Lewis v. Clarke, 581 U.S. 155, 162 (2017)
- R.W. v. Columbia Basin College, 77 F.4th 1214, 1222 (9th Cir. 2023)
- Hafer v. Melo, 502 U.S. 21, 26 (1991)
- Mitchell v. Washington, 818 F.3d 436, 442 (9th Cir. 2016)
- Romano v. Bible, 169 F.3d 1182, 1186 (9th Cir. 1999)
- Religious Technology Center v. Wollersheim, 971 F.2d 364, 367–68 (9th Cir. 1992)
- City of Colton v. American Promotional Events, Inc.-W., 614 F.3d 998, 1008 (9th Cir. 2010)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-district-of-oregon-euge/2026/tamara-terry-v-douglas-county-children-s-center-inc-dba-366ht4c1>