

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON**

Alex Luciano Beyhawck v. Washington State Patrol et al.

Beyhawck · No. 3:25-cv-05995-DGE · Decided January 27, 2026

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 WESTERN DISTRICT OF
WASHINGTON AT TACOMA 9 10 ALEX LUCIANO BEYHAWCK, CASE NO. 3:25-cv-
05995-DGE 11 Plaintiff, ORDER GRANTING MOTION TO 12 v. DISMISS (DKT. NO. 4) 13
WASHINGTON STATE PATROL et al., 14 Defendant. 15 16 This matter comes before the Court
on Defendants Washington State Patrol and Officer 17 Andy Stoeckle’s motion to dismiss.

(Dkt. No. 4.) Having considered the briefing and the 18 relevant record, the Court GRANTS the
motion for the reasons described below. 19 I BACKGROUND 20 On October 6, 2020, Officer
Stoeckle conducted a traffic stop on Plaintiff’s vehicle and 21 attached trailer which Plaintiff
asserts was “without probable cause.” (Dkt. No. 1-2 at 2.) 22 “Absent consent or legal
justification,” Officer Stoeckle searched and seized the vehicle and 23 trailer, and both were
impounded.

(Id.) The impoundment cost Plaintiff a total of \$1,749.49. 24 1 (Id.) “Based on the traffic stop,”
Plaintiff was charged in Pierce County District Court, which 2 was dismissed on October 8, 2020.
(Id.) The case was refiled, and later dismissed on August 8, 3 2022. (Id.) 4 On September 24,
2025, Plaintiff filed a tort claim with the Department of Enterprise 5 Services, Office of Risk
Management.

(Id. at 1.) On September 29, 2025, the claim was denied 6 as time-barred pursuant to Washington
Revised Code § 4.16.080. (Id.) On October 7, 2025, 7 Plaintiff filed suit against Defendants,
alleging: (1) unlawful search and seizure under 42 U.S.C. 8 § 1983 and the Washington
Constitution; (2) malicious prosecution; (3) conversion; and (4) 9 negligence. (Id. at 2–6.)

Defendants removed the case to this Court on November 7, 2025. 10 (Dkt. No. 1.) On November
17, 2025, Defendants filed a motion to dismiss the complaint for 11 failure to state a claim. (Dkt.
No. 4.) Plaintiff did not file a responsive pleading.

Under Local 12 Civil Rule 7(b)(2), “if a party fails to file papers in opposition to a motion, such
failure may be 13 considered by the court as an admission that motion has merit.” 14 II LEGAL
STANDARD 15 Federal Rule of Civil Procedure 12(b) motions to dismiss may be based on either
the lack 16 of a cognizable legal theory or the absence of sufficient facts alleged under a
cognizable legal 17 theory.

Balistreri v. Pacifica Police Dep't., 901 F.2d 696, 699 (9th Cir. 1988). Material allegations are taken as admitted and the complaint is construed in the plaintiff's favor. *Keniston v. Roberts*, 717 F.2d 1295, 1300 (9th Cir. 1983). "While a complaint attacked by a Rule 12(b)(6) motion to dismiss does not need detailed factual allegations, a plaintiff's obligation to provide the 'grounds' of his 'entitle[ment] to relief' requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Bell Atl.*

Corp. v. Twombly, 550 U.S. 544, 554–55 (2007) (internal citations omitted). "Factual allegations must be enough to raise a right to relief above the speculative level, on the assumption that all the allegations in the complaint are true [even if doubtful in fact]." *Id.* at 555.

The complaint must allege "enough facts to state a claim to relief that is plausible on its face." *Id.* at 547. "The court need not, however, accept as true allegations that contradict matters properly subject to judicial notice or by exhibit. Nor is the court required to accept as true allegations that are merely conclusory, unwarranted deductions of fact, or unreasonable inferences." *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir.), opinion amended on denial of reh'g, 275 F.3d 1187 (9th Cir.

2001) (internal citation omitted). III DISCUSSION A. State Tort Claim Notice Defendants argue that Plaintiff's state law claims (i.e. negligence, conversion, and malicious prosecution) should be dismissed due to Plaintiff's failure to comply with Washington's tort claim presentment statute. (Dkt. No. 4 at 5.) Pursuant to Washington Revised Code § 4.92.100, a plaintiff is required to file a claim with the Washington Office of Risk Management before filing a tort action against the State of Washington or against State employees.

Washington Revised Code § 4.92.110 further provides, "No action subject to the claim filing requirements of [Washington Revised Code § 4.92.100] shall be commenced against the state, or against any state officer, employee, or volunteer, acting in such capacity, for damages arising out of tortious conduct until sixty calendar days have elapsed after the claim is presented to the office of risk management in the department of enterprise services." Wash. Rev. Code § 4.92.110.

Here, Plaintiff filed a tort claim with the Department of Enterprise Services, Office of Risk Management on September 24, 2025. (Dkt. No. 1-2 at 1.) However, on October 7, 2025, Plaintiff filed this current action. (*Id.*) "The filing requirements of [Washington Revised Code § 4.92.100] and [Washington Revised Code § 4.92.110] are mandatory and operate as a condition precedent to recovery." *Mangaliman v. Wash. State DOT*, No. CV11-1591 RSM, 2014 WL 1255342, * 4 (W.D.

Wash. Mar. 26, 2014) (citing *Levy v. State*, 957 P.2d 1272, 1277 (Wash. Ct. App. 1998) (failure of claimant to comply with Washington Revised Code § 4.92.100 deprived court of

jurisdiction)); see also *Hust v. Wyoming*, 372 F. App'x 708, 710 (9th Cir. 7 2010) (district court properly dismissed plaintiff's Washington state tort claims for failure to 8 comply with Washington Revised Code § 4.92.110).

9 Washington Revised Code § 4.92.110 requires potential litigants to give the state an 10 opportunity to investigate, evaluate, and potentially settle claims before they reach the 11 courthouse steps. See *Lee v. Metro Parks Tacoma*, 335 P.3d 1014, 1017 (Wash. Ct. App. 2014). 12 In other words, the notice requirement in Washington Revised Code § 4.92.110 cannot be 13 satisfied after a litigant is already inside the courthouse—it is a condition precedent to entering.

14 See *Mangaliman*, 2014 WL 1255342, * 4. Plaintiff's failure to meet this condition precedent 15 requires this Court to dismiss his prematurely filed state law claims. 16 B. Statute of Limitations 17 Additionally, the failure to comply with Washington Revised Code § 4.92.110 before the 18 expiration of the applicable statute of limitations results in a dismissal of the case.

Peterick v. 19 State, 589 P.2d 250, 260 (Wash. 1977), overruled on other grounds; *Stenberg v. Pacific Power 20 & Light*, 709 P.2d 793 (1985); *Coulter v. State*, 608 P.2d 261, 263 (Wash. 1980). Defendants 21 argue that Plaintiff's claims are barred by the applicable statutes of limitations. (Dkt. No. 4 at 2– 22 4.) 23 24 1 Because 42 U.S.C. § 1983 does not contain a statute of limitations, the Court applies 2 Washington's statute of limitations for personal injury actions and Washington's law on 3 equitable tolling to Plaintiff's § 1983 claim.

See *Butler v. Nat'l Cmty. Renaissance of Cal.*, 766 4 F.3d 1191, 1198 (9th Cir. 2014) ("Section 1983 does not contain its own statute of limitations. 5 Without a federal limitations period, the federal courts 'apply the forum state's statute of 6 limitations for personal injury actions, along with the forum state's law regarding tolling, 7 including equitable tolling, except to the extent any of these laws is inconsistent with federal 8 law.'" (quoting *Canatella v. Van De Kamp*, 486 F.3d 1128, 1132 (9th Cir.

2007)). The 9 limitations period for personal injury actions in Washington is three years. See Wash. Rev. Code 10 § 4.16.080(2). Thus, the limitations period for Plaintiff's § 1983 claims is three years. See *id.*; 11 *Rose v. Rinaldi*, 654 F.2d 546, 547 (9th Cir. 1981). 12 Three years is also the applicable limitations period for Plaintiff's negligence, 13 conversion, and malicious prosecution claims.

See Wash. Rev. Code § 4.16.080(2); see also 14 *Woods View II, LLC v. Kitsap Cty.*, 352 P.3d 807, 816 (Wash. Ct. App. 2015) (negligence); 15 *Michel v. Melgren*, 853 P.2d 940, 943 (Wash. Ct. App. 1993) (conversion); *Stansfield v. Douglas 16 Cnty.*, 43 P.3d 498, 500 (Wash. 2002) (malicious prosecution). 17 For purposes of determining when Plaintiff's causes of actions accrued, federal law 18 governs the accrual date for his § 1983 claim, while state law governs the accrual date for his 19 state law claims.

Bagley v. CMC Real Estate Corp., 923 F.2d 758, 760 (9th Cir. 1991) (“Federal law determines when a cause of action accrues and the statute of limitations begins to run for a 21 § 1983 claim.” (citation omitted)); Norco Const., Inc. v. King Cty., 801 F.2d 1143, 1145 (9th Cir. 22 1986) (“State law... determines when the statute of limitations begins to run on state claims.”).

23 For Plaintiff’s causes of actions, there is no meaningful difference between state and federal 24 1 accrual law. “Under federal law, a claim accrues when the plaintiff knows or has reason to know 2 of the injury which is the basis of the action.” TwoRivers v. Lewis, 174 F.3d 987, 991 (9th Cir. 3 1999) (citations omitted). “Under Washington law, the general rule for personal injury actions is 4 that “a cause of action accrues at the time the act or omission occurs.” Matter of Estates of 5 Hibbard, 826 P.2d 690, 694 (Wash.

1992) (citation omitted). However, Washington courts 6 apply a discovery rule under which “a cause of action does not accrue until a party knew or 7 should have known the essential elements of the cause of action—duty, breach, causation, and 8 damages.” Green v. A.P.C. (Am. Pharm. Co.), 960 P.2d 912, 915 (Wash. 1998) (citations 9 omitted). Washington’s focus on the elements of a cause of action “does not mean that the 10 action accrues when the plaintiff learns that they have a legal cause of action; rather, the action 11 accrues when the plaintiff discovers the salient facts underlying the elements of the cause of 12 action.” 1000 Virginia Ltd. P’ship v. Vertecs Corp., 146 P.3d 423, 428 (Wash.

2006); see also 13 Lee v. United States, 809 F.2d 1406, 1410 (9th Cir. 1987) (“A claim accrues as soon as a 14 potential claimant either is aware or should be aware of the existence of and source of his injury, 15 not when he knows or should know that the injury constitutes a legal wrong.”). 16 Plaintiff’s § 1983 claim, as well as his negligence and conversion claims, arise out of a 17 singular alleged wrongful act by Defendants—the October 6, 2020 traffic stop.

(See Dkt. No. 1- 18 2.) Plaintiff’s causes of actions accrued on October 6, 2020, and he did not file a lawsuit until 19 October 7, 2025. Thus, his § 1983, 1 negligence, and conversion causes of action are time-barred. 20 21 1 Plaintiff also alleges Defendants violated the Article I, section 7 Washington Constitution for the unlawful search and seizure of his vehicle.

(Dkt. No. 1-2 at 2.) Washington law has no 22 counterpart to 42 U.S.C. § 1983, see Rustlewood Ass’n v. Mason Cty., 981 P.2d 7, 14 n.10 (Wash. Ct. App. 1999), and Washington courts have rejected attempts to create a private right of 23 action for damages under the Washington Constitution absent guidance from the legislature, see Reid v. Pierce Cnty., 961 P.2d 333, 342–43 (Wash.

Ct. App. 1998); see also Blinka v. Wash. 24 1 As for Plaintiff’s malicious prosecution claim, the cause of action accrues from the date the 2 proceedings are terminated. Nave v. City of Seattle,

415 P.2d 93, 94 (Wash. 1966). Plaintiff's 3 state court case was dismissed on August 8, 2022. Again, Plaintiff's malicious prosecution cause 4 of action is time-barred.

5 Plaintiff argues Washington's equitable tolling doctrine and Washington Revised Code 6 § 4.92.110 saves his causes of action from being time-barred. (Dkt. No. 1-2 at 4-6.) Under 7 Washington law, "[t]he predicates for equitable tolling are bad faith, deception, or false 8 assurances by the defendant and the exercise of diligence by the plaintiff." *Millay v. Cam*, 955 9 P.2d 791, 797 (Wash.

1998) (citations omitted). "[T]he doctrine of equitable tolling is a narrow 10 doctrine to be used only sparingly." *In re Haghighi*, 309 P.3d 459, 465 (Wash. 2013). Plaintiff 11 argues Defendants acted in bad faith by "refiling the charges on December 8, 2021, after the 12 initial dismissal on October 8, 2020, without new evidence, which deceived Plaintiff into 13 believing the matter was still active." However, Plaintiff fails to allege facts showing that 14 refiling the charges against him were done to force Plaintiff to fall outside the statute of 15 limitations.

16 Washington Revised Code § 4.92.110 states that "[t]he applicable period of limitations 17 within which an action must be commenced shall be tolled during the sixty calendar day period." 18 However, Plaintiff did not file a claim with the Office of Risk Management until after the statute 19 of limitations had run on his causes of action.

Thus, the tolling provision is inapplicable. 20 21 *State Bar Ass'n*, 36 P.3d 1094, 1102 (Wash. Ct. App. 2001). Thus, this claim is DISMISSED without leave to amend. See, e.g., *Shippey v. Lovick*, No. C12-225RAJ, 2013 WL 1124073, at *2 22 (W.D. Wash. Mar. 18, 2013) ("[T]he court will not address [the plaintiff's] attempts to inject the Washington Constitution into this dispute, because unlike violations of the United States 23 Constitution, which are remediable via § 1983, there is no cause of action for damages arising from violations of the Washington Constitution." (citing *Reid*, 961 P.2d at 342-43)).

24 1 IV CONCLUSION 2 For the reasons stated, Defendants' motion to dismiss (Dkt. No. 4) is GRANTED. 3 Because the statute of limitations acts as an absolute bar to Plaintiff's claims, any amendment 4 would be futile.

Therefore, the Court DISMISSES without leave to amend. See *Newland v. 5 Dalton*, 81 F.3d 904, 907 (9th Cir. 1995) ("[D]istrict courts need not accommodate futile 6 amendments."). 7 The Clerk is directed to close the case. 8 Dated this 27th day of January, 2026. 9 A 10 David G. Estudillo 11 United States District Judge 12 13 14 15 16 17 18 19 20 21 22 23 24