

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Ashley Harris v. Peace Health Riverbend

Harris · No. 6:25-cv-01455-AA · Decided January 29, 2026

SUMMARY

The United States District Court for the District of Oregon granted Ashley Harris’s application to proceed in forma pauperis but dismissed her complaint without service because it failed to establish subject-matter jurisdiction and did not include a demand for relief. The court granted leave to amend within 30 days, denied appointment of pro bono counsel, and denied a motion to seal. The court identified the apparent claims as state-law battery and medical malpractice allegations.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Ann Aiken
JURISDICTION	United States District Court for the District of Oregon
DECIDED	January 29, 2026
DOCKET	6:25-cv-01455-AA
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff sought leave to proceed in forma pauperis and filed a complaint, a motion for appointment of pro bono counsel, and a motion to seal. The district court granted in forma pauperis status, dismissed the complaint for lack of subject matter jurisdiction with leave to amend, denied appointment of counsel, and denied the motion to seal.
STANDARD OF REVIEW	The court screened the action under 28 U.S.C. § 1915(e)(2)(B) and assessed subject matter jurisdiction under Federal Rules of Civil Procedure 8(a) and 12(h)(3). It construed the self-represented pleading liberally and reviewed the sealing motion under the strong presumption of public access to court records.
PRECEDENTIAL VALUE	Unknown; district court opinion and no precedential status stated in the opinion.
PARTIES	Ashley Harris v. Peace Health Riverbend

TOPICS

subject matter jurisdiction

pleadings

motions to dismiss

medical malpractice

battery

PRACTICE AREAS

civil procedure

health law

torts

QUESTIONS PRESENTED

1. Whether the complaint established federal-question or diversity subject matter jurisdiction.
2. Whether the complaint satisfied Federal Rule of Civil Procedure 8(a), including the requirement to state the grounds for jurisdiction and a demand for relief.
3. Whether Harris was entitled to appointment of pro bono counsel under 28 U.S.C. § 1915.
4. Whether Harris established compelling reasons sufficient to overcome the presumption of public access and seal the motion.

HOLDINGS

1. The complaint did not establish federal-question jurisdiction because the Federal Rules of Civil Procedure and local procedural rules do not create a substantive federal cause of action or otherwise provide a basis for federal-question jurisdiction, and the factual allegations sounded in state-law tort claims.
2. The complaint did not establish diversity jurisdiction because it did not allege that the parties were citizens of different states or identify an amount in controversy exceeding \$75,000.
3. The complaint was dismissed with leave to amend because the jurisdictional and pleading deficiencies could potentially be cured by amendment.
4. The motion for appointment of pro bono counsel was denied because Harris did not demonstrate exceptional circumstances warranting the court's discretionary request for volunteer counsel.
5. The motion to seal was denied because it supplied no reasoning or factual basis sufficient to overcome the strong presumption of public access to court records.

KEY QUOTATIONS

“The Federal Rules of Civil Procedure and the Local Rules of the District of Oregon are procedural rules, not statutes, and cannot be the substantive basis for federal question jurisdiction.”

“Because of the lack of subject matter jurisdiction, Plaintiff’s complaint is DISMISSED with leave to amend.”

“There is no constitutional right to counsel in a civil case.”

FACTUAL BACKGROUND

Harris alleged that medication caused her to black out and that Peace Health injected her four times in the rear to calm her, after which she awoke in a foreign location with no memory. The court construed these allegations as potentially asserting battery based on lack of consent and medical malpractice based on improper dosage. The complaint cited Federal Rule of Civil Procedure 7(a) and District of Oregon Local Rules 5-13 and 10-3 as the

basis for federal-question jurisdiction, but did not identify a federal statute or constitutional provision, plead diversity of citizenship, or state a demand for relief.

PROCEDURAL HISTORY

Ashley Harris filed this action in the District of Oregon along with an in forma pauperis petition, complaint, motion to seal, and motion for appointment of counsel. Before service on the defendant, the court reviewed the pleading and concluded that it did not establish federal-question or diversity jurisdiction and did not include a demand for relief. The court dismissed the complaint with leave to amend within thirty days, without service, and denied the other motions.

DISPOSITION

dismissed

CASES CITED

- Haines v. Kerner, 404 U.S. 519, 520-21 (1972)
- Karim-Panahi v. Los Angeles Police Dep't, 839 F.2d 621, 623 (9th Cir. 1988)
- Owen Equip. & Erection Co. v. Kroger, 437 U.S. 365, 370, 374 (U.S. 1978)
- Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1135 (9th Cir. 2003)
- United States v. 30.64 Acres of Land, 795 F.2d 796, 801 (9th Cir. 1986)
- Wood v. Housewright, 900 F.2d 1332, 1335 (9th Cir. 1990)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON EUGENE DIVISION ASHLEY HARRIS, Civ. No. 6:25-cv-01455-AA Plaintiff, OPINION & ORDER v. PEACE HEALTH RIVERBEND Defendants. _____ AIKEN, District Judge. Self-represented Plaintiff Ashley Harris seeks leave to proceed in forma pauperis (“IFP”) in this action.

For the reasons set forth below, Plaintiff’s IFP Petition, ECF No. 2, is GRANTED. However, the Complaint, ECF No. 3, is DISMISSED with leave to amend and without service on Defendants. Plaintiff’s Motion for Appointment of Counsel, ECF No. 4, is DENIED. Plaintiff’s Motion to Seal, ECF No. 1, is DENIED. LEGAL STANDARD Generally, all parties instituting any civil action in United States District Court must pay a statutory filing fee.

28 U.S.C. § 1914(a). However, the federal IFP statute, 28 U.S.C. § 1915(a)(1), provides indigent litigants an opportunity for meaningful access to federal courts despite their inability to pay the costs and fees associated with that access.

To authorize a litigant to proceed IFP, a court must make two determinations. First, a court must determine whether the litigant is unable to pay the costs of commencing the action. 28 U.S.C. §

1915(a)(1). Second, it must assess whether the action is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune to such relief.

28 U.S.C. § 1915(e)(2)(B). Self-represented pleadings are held to less stringent standards than pleadings by attorneys. *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972). That is, the court should construe pleadings by self-represented plaintiffs liberally and afford the plaintiffs the benefit of any doubt. *Karim-Panahi v. Los Angeles Police Dep't*, 839 F.2d 621, 623 (9th Cir.

1988). Additionally, a self-represented litigant is entitled to notice of the deficiencies in the complaint and the opportunity to amend, unless the complaint's deficiencies cannot be cured by amendment. *Id.* Federal courts are courts of limited jurisdiction. *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 374 (U.S. 1978).

As such, a plaintiff is required to include "a short and plain statement of the grounds for the court's jurisdiction." Fed. R. Civ. P. 8(a). A court should also assess its own jurisdiction, and "if the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action." Fed. R. Civ. P. 12(h)(3).

The most common forms of jurisdiction are (1) federal question jurisdiction and (2) diversity jurisdiction. 28 U.S.C. §§ 1331-32. Federal question jurisdiction encompasses "civil actions arising under the Constitution, laws, or treaties of the United States." § 1331. Diversity jurisdiction is achieved if (1) "the matter in controversy exceeds the sum or value of \$75,000" and (2) the matter "is between... citizens of different States." § 1332.

In analyzing a Motion to Seal, "[i]n [the Ninth Circuit], we start with a strong presumption in favor of access to court records." *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331, F.3d 1122, 1135 (9th Cir. 2003). Courts may seal documents "given sufficiently compelling reasons" to do so. *Id.* In determining whether reasons are sufficiently compelling, courts look to relevant factors, which include: [The] public interest in understanding the judicial process and whether disclosure of the material could result in improper use of the material for scandalous or libelous purposes or infringement upon trade secrets....

After taking all relevant factors into consideration, the district court must base its decision on a compelling reason and articulate the factual basis for its ruling, without relying on hypothesis or conjecture. *Id.* DISCUSSION When assessing an IFP petition, the Court first must determine whether a plaintiff has made a sufficient showing of indigency.

Here, Plaintiff's application is not entirely clear on her monthly expenses as compared to debts and financial obligations. But the inclusion of more details on her expenses could only support her application, and the Court is satisfied with Plaintiff's showing of indigency, ECF No. 2, and the petition is GRANTED. Plaintiff's Complaint, ECF No. 3, suffers from two clear defects.

First is the question of this Court's jurisdiction. Fed. R. Civ. P. 8(a)(1). Second is the lack of demand for relief. Id. 8(a)(3). The Court starts with Plaintiff's statement of jurisdiction. Plaintiff selected "Federal Question" on the self-represented complaint form she used. When asked by the form to list the specific federal statute, she listed "Fed. R. Civ P. 7(a) and LR 5- 13 and LR 10-3." The Federal Rules of Civil Procedure and the Local Rules of the District of Oregon are procedural rules, not statutes, and cannot be the substantive basis for federal question jurisdiction.

See *Owen Equip. & Erection Co.*, 437 U.S. at 370 ("[I]t is axiomatic that the Federal Rules of Civil Procedure do not create or withdraw federal jurisdiction."). The lack of a specifically cited statute or Constitutional provision is not fatal to the question of federal question jurisdiction.

In a self-represented matter, the Court looks to the rest of the complaint to determine whether there is a clear basis for jurisdiction. Plaintiff includes two sentences to explain her situation. First, "The medicine made me blackout." Compl. III.

Second, "They injected me four times on the rear to 'calm' me down but it was too strong and blacked out woke up in a foreign location with zero memory." Compl. IV. What Plaintiff describes sounds in tort. Plaintiff seems to allege a battery by Peace Health (the lack of consent is not explicit, but Plaintiff includes a purpose—to "calm [her] down"—which, to the Court, raises the question of whether she consented to the injections).

Plaintiff also seems to allege medical malpractice related to improper dosage that resulted in her "black[ing] out." Neither of those claims is clearly federal in nature, and both fail to raise a federal question that would give this Court subject matter jurisdiction over this case. Plaintiff does not plead diversity jurisdiction.

To do so, Plaintiff would have to show that she and Defendant are citizens of different states and that the amount in controversy is over \$75,000. Here, Plaintiff includes no demand in her complaint, meaning there is no clear amount in controversy. See Compl. Furthermore, it is not clear from the Complaint that the named Defendant is a citizen of a state other than Oregon, which is essential for diversity jurisdiction.

Because of the lack of subject matter jurisdiction, Plaintiff's complaint is **DISMISSED** with leave to amend. Should Plaintiff determine this federal forum is appropriate for her claims, she must adequately show that this Court has subject matter jurisdiction, such as a federal question or based on diversity of citizenship. Plaintiff must also include a demand for relief in her amended complaint, if she chooses to file one.

The demand need not particularize and categorize each kind of relief she seeks, but she must seek relief of some sort grantable by this Court and, if her amended complaint alleges diversity jurisdiction, she must allege a sufficient amount in controversy. Plaintiff may take this opportunity

to expand on her statement of the claim. Plaintiff should bear in mind that the Court knows nothing of her situation other than what she includes in her complaint.

Plaintiff has also filed a Motion for Appointment of Pro Bono Counsel, ECF No. 4, stating "...I need help with following civil procedure and I'm scared of someone being drugged and kidnapped by those drugs in the wrong hands." There is no constitutional right to counsel in a civil case. *United States v. 30.64 Acres of Land*, 795 F.2d 796, 801 (9th Cir. 1986).

However, pursuant to § 1915, this Court has discretion to request volunteer counsel for indigent parties in exceptional circumstances. *Wood v. Housewright*, 900 F.2d 1332, 1335 (9th Cir. 1990). Here, Plaintiff has not shown exceptional circumstances. Plaintiff does not explain any specific reasons why she needs assistance with civil procedure that would distinguish her from any other self-represented plaintiff.

Additionally, her fear that an unnamed person could be drugged and kidnapped lacks support and is not obviously relevant to the issue of pro bono counsel. Finally, Plaintiff's Complaint has been dismissed for lack of subject matter jurisdiction.

The Motion for Appointment of Counsel is DENIED. Finally, Plaintiff filed a Motion to Seal. ECF No. 1. Plaintiff's motion contains no reasoning. For all intents and purposes, it is a caption for a motion without any of the contents of a motion.

Because Plaintiff has provided no reasoning, there is no basis for overcoming the strong presumption in favor of access. Therefore, Plaintiff's Motion to Seal is DENIED. **CONCLUSION** For the reasons set forth above, Plaintiff's IFP petition, ECF No. 2, is GRANTED but the Complaint, ECF No. 3, is DISMISSED with leave to amend but without service on Defendants.

Plaintiff shall have thirty (30) days in which to file an amended complaint. Plaintiff is advised that failure to submit an amended complaint within the allotted time will result in the entry of a judgment of dismissal without further notice. Plaintiff's Motion for Appointment of Pro Bono Counsel, ECF No. 4, is DENIED. Plaintiff's Motion to Seal, ECF No. 1, is DENIED.

It is so ORDERED and DATED this 2 9th day of January 2026. /s/Ann Aiken ANN AIKEN
United States District Judge