

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Matthew Blake Reed v. Stephanie Sandoval, Joseph Regalado, and
Carly Rey-Hayes

Reed · No. 24-cv-03564-PAB-CYC · Decided March 26, 2026

SUMMARY

The United States District Court for the District of Colorado reviews objections to a magistrate judge’s recommendation addressing a motion to dismiss Matthew Blake Reed’s 42 U.S.C. § 1983 claims. The court holds that the claims accrued on November 25, 2022, were filed outside Colorado’s two-year limitations period, and were not subject to equitable tolling. The court overrules the objections, accepts the recommendation, grants the motion to dismiss without prejudice, and closes the case.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Philip A. Brimmer
JURISDICTION	United States District Court for the District of Colorado
DECIDED	March 26, 2026
DOCKET	24-cv-03564-PAB-CYC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed de novo the portions of a magistrate judge's recommendation to which plaintiff objected, reviewed the remaining portions for clear error, and considered defendants' Rule 12(b)(6) motion to dismiss the Second Amended Complaint.
STANDARD OF REVIEW	De novo review of properly made specific objections to a magistrate judge's recommendation under Federal Rule of Civil Procedure 72(b) (3); review of non-objected-to portions for clear error on the face of the record. The court applied the Rule 12(b)(6) plausibility standard and considered whether the statute of limitations defense was apparent from the complaint.
PRECEDENTIAL VALUE	Nonprecedential district court order; precedential status unknown
PARTIES	Matthew Blake Reed v. Stephanie Sandoval, Joseph Regalado, Carly Rey-Hayes

TOPICS

statute of limitations

motions to dismiss

section 1983

prisoners rights

civil procedure

PRACTICE AREAS

Civil procedure

Civil rights

Prisoner litigation

Statute of limitations

Federal jurisdiction

QUESTIONS PRESENTED

1. Whether plaintiff's § 1983 excessive-force and deliberate-indifference claims accrued on November 25, 2022 and were therefore barred by Colorado's two-year statute of limitations when filed on December 23, 2024.
2. Whether the statute of limitations could be equitably tolled based on plaintiff's alleged injuries, legal disability, restricted law-library access, lack of legal assistance, lack of medical records, or defendants' alleged interference.
3. Whether the magistrate judge improperly resolved factual disputes against plaintiff on a Rule 12(b)(6) motion.
4. Whether plaintiff was entitled to leave to amend to plead additional facts concerning equitable tolling.
5. Whether plaintiff established that the prison mailbox rule rendered his complaint timely.

HOLDINGS

1. Plaintiff's excessive-force and deliberate-indifference claims accrued on November 25, 2022, when the alleged force, treatment delay, and failure to provide testing occurred or became apparent, and the claims were untimely under the applicable two-year limitations period.
2. The statute of limitations defense could be resolved on a Rule 12(b)(6) motion because the dates of the pertinent acts were apparent from the complaint and were not disputed.
3. Plaintiff failed to establish equitable tolling because he did not show a qualifying legal disability, extraordinary circumstances preventing timely filing, wrongful conduct by defendants that prevented filing, or sufficient diligence.
4. The magistrate judge did not improperly resolve factual disputes against plaintiff; the recommendation properly evaluated the sufficiency of the pleaded allegations.
5. Plaintiff was not entitled to leave to amend because he had already received two opportunities to amend, did not identify additional facts that would establish equitable tolling, and did not file a formal motion or proposed amended pleading as required by the local rules.
6. Plaintiff failed to establish that the prison mailbox rule rendered his complaint timely because he did not state when he delivered the complaint to prison officials for mailing and acknowledged that the issue was moot.

KEY QUOTATIONS

“The Court must “determine de novo any part of the magistrate judge’s disposition that has been properly objected to.”” (Section II.A)

“To survive a motion to dismiss under Rule 12(b)(6) of the Federal Rules of Civil Procedure, a complaint must allege enough factual matter that, taken as true, makes the plaintiff’s “claim to relief . . . plausible on its face.”” (Section II.B)

“Critically, in either instance, a plaintiff seeking to benefit from equitable tolling must ‘make[] good[]faith efforts to pursue the claims when possible.’” (Section III.D)

“It is further ORDERED that the claims against defendants are DISMISSED without prejudice.” (Section IV)

FACTUAL BACKGROUND

Plaintiff alleged that on November 25, 2022, defendant Sandoval authorized or failed to supervise an excessive use of force during an altercation with another inmate, defendant Regalado shot plaintiff multiple times with less-lethal rounds, and defendant Rey-Hayes was deliberately indifferent to plaintiff's medical needs. Plaintiff alleged that he waited eleven hours for medical care, was held in unsanitary conditions, and did not receive appropriate medical tests and reports. He filed this action on December 23, 2024, after the alleged incidents.

PROCEDURAL HISTORY

Plaintiff filed this § 1983 action on December 23, 2024, and filed a Second Amended Complaint alleging excessive force and deliberate indifference to medical needs. Defendants moved to dismiss, arguing that the claims were barred by the statute of limitations. The magistrate judge recommended granting the motion, plaintiff objected, and the district court overruled the objections, accepted the recommendation, granted the motion, dismissed the claims without prejudice, and closed the case.

DISPOSITION

dismissed

CASES CITED

- United States v. One Parcel of Real Prop. Known as 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996)
- Summers v. Utah, 927 F.2d 1165, 1167 (10th Cir. 1991)
- Thomas v. Arn, 474 U.S. 140, 150 (1985)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Khalik v. United Air Lines, 671 F.3d 1188, 1190-91 (10th Cir. 2012)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- RE/MAX, LLC v. Quicken Loans Inc., 295 F. Supp. 3d 1163, 1168 (D. Colo. 2018)
- Bryson v. Gonzales, 534 F.3d 1282, 1286 (10th Cir. 2008)
- Erickson v. Pardus, 551 U.S. 89, 93 (2007) (per curiam)
- Hackford v. Babbit, 14 F.3d 1457, 1465 (10th Cir. 1994)

- Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009)
- Herrera v. City of Espanola, 32 F.4th 980, 991 (10th Cir. 2022)
- Sierra Club v. Okla. Gas & Elec. Co., 816 F.3d 666, 671 (10th Cir. 2016)
- Edwards v. Int'l Union, United Plant Guard Workers of Am., 46 F.3d 1047, 1050 (10th Cir. 1995)
- Delaney v. Thompson, 812 F. App'x 779, 780 (10th Cir. 2020)
- Fratus v. DeLand, 49 F.3d 673, 675 (10th Cir. 1995)
- Vasquez v. Davis, 882 F.3d 1270, 1276 (10th Cir. 2018)
- Williamson v. Wyo. Dep't of Corr. Wyo. State Penitentiary Warden, 2025 WL 209880, at *5 (10th Cir. Jan. 16, 2025)
- Mwangi v. Norman, 2016 WL 7223270, at *7 (D. Colo. Dec. 13, 2016)
- Robinson v. City, Cnty. of Denver, 16 F. App'x 862, 863 (10th Cir. 2001)
- Overheiser v. Safeway Stores, Inc., 814 P.2d 12, 13 (Colo. App. 1991)
- Marshall v. Chater, 75 F.3d 1421, 1426 (10th Cir. 1996)
- Maurer v. Idaho Dep't of Corr., 799 F. App'x 612, 614 n.1 (10th Cir. 2020)
- Morrison v. Goff, 91 P.3d 1050, 1053 (Colo. 2004)
- Dean Witter Reynolds, Inc. v. Hartman, 911 P.2d 1094, 1096-97 (Colo. 1996)
- Whitefield v. Exec. Dir. of Colo. Dep't of Corr., 2024 WL 4212320, at *2 (10th Cir. Sept. 17, 2024)
- Chance v. Zinke, 898 F.3d 1025, 1034 (10th Cir. 2018)
- Geiger v. Chubb Indem. Ins. Co., 2024 WL 814539, at *6 (D. Colo. Feb. 27, 2024)
- Garrett v. Arrowhead Imp. Ass'n, 826 P.2d 850, 855 (Colo. 1992)
- United States v. Oakes, 445 F. App'x 88, 94 (10th Cir. 2011)
- Baker v. Bd. of Regents of State of Kan., 991 F.2d 628, 632 (10th Cir. 1993)
- Dunn v. Workman, 172 F. App'x 238, 241 (10th Cir. 2006)
- United States v. Gonzalez-Arenas, 2016 WL 10859436, at *2 n.2 (D. Colo. Apr. 22, 2016)
- Whittington v. Steinbeck, 2010 WL 251561, at *1 (D. Colo. Jan. 21, 2010)
- Calderon v. Kan. Dep't of Soc. & Rehab. Servs., 181 F.3d 1180, 1186 (10th Cir. 1999)
- Barnett v. Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., 956 F.3d 1228, 1236 (10th Cir. 2020)
- Johnson v. Spencer, 950 F.3d 680, 721 (10th Cir. 2020)
- Albers v. Bd. of Cnty. Comm'rs, 771 F.3d 697, 706 (10th Cir. 2014)
- Burnett v. Mortg. Elec. Registration Sys., Inc., 706 F.3d 1231, 1238 n.4 (10th Cir. 2013)