

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Cardenas Limon v. City of Tualatin

Cardenas Limon · No. 3:26-cv-291-SI · Decided May 29, 2026

SUMMARY

The United States District Court for the District of Oregon grants Defendants’ motion to dismiss without prejudice in a civil rights action alleging a Fifth Amendment violation under 42 U.S.C. § 1983. The court permits Plaintiff to file an amended complaint within two weeks and states that judgment will be entered for Defendants if a sufficient amended complaint is not filed by June 15, 2026.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Michael H. Simon
JURISDICTION	United States District Court for the District of Oregon
DECIDED	May 29, 2026
DOCKET	3:26-cv-291-SI
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a civil-rights action under 42 U.S.C. § 1983 alleging that Defendants violated his Fifth Amendment right against self-incrimination. Defendants moved to dismiss, and Plaintiff did not respond by the deadline.
STANDARD OF REVIEW	The court reviewed the unopposed motion to dismiss and determined that Defendants' position was well stated; no more specific standard of review was stated.
PRECEDENTIAL VALUE	Unknown; district court order with no published reporter citation

TOPICS

- section 1983
- motions to dismiss
- civil rights
- constitutional law
- pleadings

PRACTICE AREAS

- civil rights
- constitutional law
- federal civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff stated a claim under 42 U.S.C. § 1983 based solely on an alleged failure to provide Miranda warnings.
2. Whether Defendants' unopposed motion to dismiss should be granted.

HOLDINGS

1. An officer's failure to give Miranda warnings to a suspect in custody does not, by itself, provide a basis for civil liability under 42 U.S.C. § 1983.
2. The action should be dismissed without prejudice, with leave to amend if Plaintiff can cure the identified deficiencies.

KEY QUOTATIONS

“holding that an officer’s failure to give Miranda warnings to a suspect in custody does not, by itself, provide a basis for a claim of civil liability under 42 U.S.C. § 1983”

FACTUAL BACKGROUND

Plaintiff alleged that the City of Tualatin and Officers Kelsey Wilkinson and Eli Fults violated his Fifth Amendment right against self-incrimination. The claim was based on an alleged failure to provide Miranda warnings to a suspect in custody. Plaintiff did not respond to Defendants' motion to dismiss.

PROCEDURAL HISTORY

Plaintiff filed the lawsuit on February 13, 2026. Defendants moved to dismiss on April 14, 2026. After Plaintiff failed to respond, the court granted the motion to dismiss without prejudice and allowed Plaintiff two weeks to file an amended complaint.

DISPOSITION

dismissed

CASES CITED

- Vega v. Tekoh, Vega v. Tekoh, 597 U.S. 134 (2022)

OPINION

Cardenas Limon v. City of Tualatin

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

JUAN JOSE CARDENAS LIMON, Case No. 3:26-cv-291-SI Plaintiff, ORDER v.

CITY OF TUALATIN; OFFICER KELSEY

WILKINSON; and OFFICER ELI FULTS,

Defendants. Michael H. Simon, District Judge. Plaintiff filed this civil rights lawsuit on February 13, 2026, alleging that Defendants violated his Fifth Amendment right against self-incrimination in violation of 42 U.S.C. § 1983. On April 14, 2026, Defendants filed a motion to dismiss the suit. ECF 6. Plaintiff had two weeks to respond to the motion, which was April 28, 2026. See Fed. R. Civ. P. 7; L.R. 7-1(e)(1). That deadline has long passed without any response from Plaintiff. The Court has reviewed Defendants' Motion to Dismiss and finds Defendants' position well stated. See also *Vega v. Tekoh*, 597 U.S. 134 (2022) (holding that an officer's failure to give Miranda warnings to a suspect in custody does not, by itself, provide a basis for a claim of civil liability under 42 U.S.C. § 1983). The Court GRANTS Defendants' Motion to Dismiss (ECF 6) without prejudice. If Plaintiff believes in good faith that he can cure the deficiencies identified in the Motion to Dismiss, Plaintiff may file an amended complaint within two weeks from the date of this Order. If Plaintiff does not file a sufficient amended complaint on or before June 15, 2026, the Court will enter judgment for Defendants. IT IS SO ORDERED. DATED this 29th day of May, 2026. /s/ Michael H. Simon Michael H. Simon United States District Judge