

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Jacob Leroy Ellis v. Douglas County Jail and Wellpath

Ellis · No. 6:24-cv-01250-SB · Decided February 12, 2026

SUMMARY

The court granted Douglas County’s motion to dismiss a self-represented pretrial detainee’s 42 U.S.C. § 1983 claims concerning dental care, Suboxone administration, and outdoor recreation. The court held that the complaint did not adequately allege municipal liability or objective deliberate indifference under the Fourteenth Amendment. The claims were dismissed with leave to amend by March 5, 2026.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Oregon                                                                                                                                                                                                                                                                        |
| WRITING FOR THE COURT | Stacie F. Beckerman                                                                                                                                                                                                                                                                                                            |
| JURISDICTION          | United States District Court for the District of Oregon                                                                                                                                                                                                                                                                        |
| DECIDED               | February 12, 2026                                                                                                                                                                                                                                                                                                              |
| DOCKET                | 6:24-cv-01250-SB                                                                                                                                                                                                                                                                                                               |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | Plaintiff brought a self-represented action under 42 U.S.C. § 1983 against the Douglas County Jail and Wellpath. The County moved to dismiss under Federal Rule of Civil Procedure 12(b)(6), and the court granted the motion with leave to amend.                                                                             |
| STANDARD OF REVIEW    | On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and determines whether the complaint contains sufficient factual matter to state a facially plausible claim for relief. Pro se pleadings are construed liberally, but the court may not supply essential elements that were not pleaded. |
| PRECEDENTIAL VALUE    | Unknown; district court opinion                                                                                                                                                                                                                                                                                                |

TOPICS

- motions to dismiss
- section 1983
- municipal liability
- prisoners rights
- due process

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether Ellis adequately pleaded a Fourteenth Amendment claim against the County based on allegedly inadequate treatment of his tooth infections.
2. Whether Ellis adequately pleaded a Fourteenth Amendment claim based on the County's alleged policy or practice of administering Suboxone improperly.
3. Whether Ellis adequately pleaded a Fourteenth Amendment claim based on allegedly insufficient outdoor exercise.
4. Whether Ellis stated a private claim under HIPAA.
5. Whether the County could be held municipally liable under 42 U.S.C. § 1983.

## HOLDINGS

1. A plaintiff seeking to impose § 1983 liability on a municipality must plead a deprivation of a constitutional right caused by an official policy, custom, practice, failure to train or supervise, or decision by a final policymaker, with the municipal action amounting to deliberate indifference and serving as the moving force behind the violation.
2. Ellis failed to state a Fourteenth Amendment claim against the County based on inadequate treatment of his tooth infections because he did not allege a municipal policy, custom, or practice that caused the alleged constitutional violation.
3. Ellis failed to state a Fourteenth Amendment claim based on the County's alleged administration of Suboxone because he did not plead facts showing that the practice placed him at substantial risk of serious harm, that the County failed to take reasonable available measures despite an objectively high degree of risk, or that the failure caused his injury.
4. Ellis failed to state a Fourteenth Amendment claim based on insufficient outdoor exercise because he did not allege whether meaningful indoor recreational opportunities were available or unavailable.
5. HIPAA does not provide a private right of action.

## KEY QUOTATIONS

*“To survive a motion to dismiss under Rule 12(b)(6), a plaintiff’s ‘complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’”*

*“Thus, to vindicate a constitutional right to exercise, outdoor exercise can indeed be required, when ‘otherwise meaningful recreation’ is not available.”*

## FACTUAL BACKGROUND

Ellis alleged that while held in pretrial custody at the Douglas County Jail in 2024, he developed tooth infections that spread to his jaw, requested dental care, and ultimately lost teeth and suffered prolonged pain. He alleged that jail personnel required Suboxone patients to swallow the medication after dissolving it in water, contrary to

the medication's instructions, and that he experienced withdrawal symptoms. He also alleged that he received only twenty minutes of outdoor recreation every two weeks and that the lack of fresh air caused psychological harm.

## PROCEDURAL HISTORY

Ellis filed claims concerning medical care for tooth infections, administration of Suboxone, outdoor recreation, and HIPAA. The County moved to dismiss for failure to state a claim. The court dismissed all claims against the County with leave to amend by March 5, 2026, warning that failure to amend would result in dismissal of the case.

## DISPOSITION

dismissed

## CASES CITED

- Hebrard v. Nofziger, 90 F.4th 1000, 1004 n.1 (9th Cir. 2024)
- Hoeft v. Tucson Unified School District, 967 F.2d 1298, 1301 n.2 (9th Cir. 1992)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 556, 570 (2007)
- Sernas v. Cantrell, 857 F. App'x 400, 401 (9th Cir. 2021)
- Seals v. L.A. Unified School District, 797 F. App'x 327, 327 (9th Cir. 2020)
- Draper v. Coombs, 792 F.2d 915, 924 (9th Cir. 1986)
- Owen v. City of Hemet, No. 21-55240, 2022 WL 16945887, at \*1 (9th Cir. Nov. 15, 2022)
- Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010)
- Litmon v. Harris, 768 F.3d 1237, 1241 (9th Cir. 2014)
- Russell v. Lumitap, 31 F.4th 729, 738-39 (9th Cir. 2022)
- Gordon v. County of Orange, 888 F.3d 1118, 1125 (9th Cir. 2017)
- Norbert v. City and County of San Francisco, 10 F.4th 918, 928-29, 934 (9th Cir. 2021)
- Herrera v. L.A. Unified School District, 18 F.4th 1156, 1159 (9th Cir. 2021)
- Castro v. County of Los Angeles, 833 F.3d 1060, 1070-71 (9th Cir. 2016) (en banc)
- Saddozai v. Bolanos, No. 20-16862, 2022 WL 501124, at \*1 (9th Cir. Feb. 18, 2022)
- Toguchi v. Chung, 391 F.3d 1051, 1057-60 (9th Cir. 2004)
- Monell v. Department of Social Services, 436 U.S. 658, 690 (1978)
- Horton v. City of Santa Maria, 915 F.3d 592, 602-03 (9th Cir. 2019)
- Cantu v. City of Portland, No. 3:19-cv-01606-SB, 2020 WL 2952972, at \*3 (D. Or. June 3, 2020)
- Dougherty v. City of Covina, 654 F.3d 892, 900 (9th Cir. 2011)
- Board of County Commissioners of Bryan County v. Brown, 520 U.S. 397, 404 (1997)
- City of Los Angeles v. Heller, 475 U.S. 796, 799 (1986)

- Fernald v. Deschutes County, No. 6:24-cv-02155-AA, 2025 WL 1770793, at \*4 (D. Or. June 26, 2025)
- Walker v. Beard, 789 F.3d 1125, 1139 (9th Cir. 2015)
- Lucas v. Department of Corrections, 66 F.3d 245, 248 (9th Cir. 1995)
- Harris v. American Behavioral Health Systems, Inpatient Facility, No. 24-347, 2025 WL 2977822, at \*1 (9th Cir. Oct. 22, 2025)
- Webb v. Smart Document Solutions, LLC, 499 F.3d 1078, 1082 (9th Cir. 2007)
- Spain v. Procunier, 600 F.2d 189, 199 (9th Cir. 1979)
- Shorter v. Baca, 895 F.3d 1176, 1185 (9th Cir. 2018)
- Flores v. Oregon Department of Corrections, No. 2:22-cv-01399-SB, 2023 WL 7280420, at \*6 n.4 (D. Or. Nov. 3, 2023)
- Thompson v. Lopez, No. 1:24-cv-00252-KES-EPG, 2025 WL 249171, at \*4 (E.D. Cal. Jan. 21, 2025)

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