

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Ralph VanDyke and Annette VanDyke v. Rian Windsheimer, George Gleasson, Keith Benjamin, David Brown, David Bacon, Paul Scarlett, and Caleb Stephens

VanDyke v. Windsheimer · No. 3:25-cv-01488-AR · Decided June 12, 2026

SUMMARY

The United States District Court for the District of Oregon granted defendants’ motion to dismiss a 42 U.S.C. § 1983 action arising from an Oregon Department of Transportation condemnation proceeding. The court rejected claim-splitting and Rooker-Feldman arguments but held that Eleventh Amendment sovereign immunity barred the plaintiffs’ claims because they sought relief concerning a completed prelitigation offer rather than an ongoing violation of federal law. The dismissal was granted with leave to amend, and the court also granted defendants’ motion for judicial notice.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Jeff Armistead, United States Magistrate Judge
JURISDICTION	United States District Court for the District of Oregon
DECIDED	June 12, 2026
DOCKET	3:25-cv-01488-AR
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss a 42 U.S.C. § 1983 action alleging that state officials violated due process by failing to update a condemnation prelitigation offer. The court granted judicial notice of state-court records and granted the motion to dismiss 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 states a facially plausible claim for relief. The court may consider judicially noticeable public records under Federal Rule of Evidence 201.
PRECEDENTIAL VALUE	Unknown; district court opinion
PARTIES	Ralph VanDyke, Annette VanDyke v. Rian Windsheimer, George Gleasson, Keith Benjamin, David Brown, David Bacon, Paul Scarlett,

TOPICS

motions to dismiss sovereign immunity eleventh amendment immunity section 1983
subject matter jurisdiction

PRACTICE AREAS

civil procedure constitutional law civil rights sovereign immunity condemnation

QUESTIONS PRESENTED

1. Whether the federal action was barred by claim-splitting because a related condemnation action was pending in state court.
2. Whether the Rooker-Feldman doctrine barred the federal action while the state condemnation proceedings were ongoing and subject to appeal.
3. Whether the Eleventh Amendment and sovereign immunity barred plaintiffs' claims for injunctive and declaratory relief against state officials.
4. Whether the Ex parte Young exception to sovereign immunity applied because plaintiffs alleged an ongoing violation of federal law and sought prospective relief.
5. Whether plaintiffs stated a viable due process claim under the Uniform Relocation Assistance and Real Property Acquisition Policies Act.

HOLDINGS

1. The claim-splitting doctrine did not apply because the federal action and the condemnation action were not filed in the same court.
2. Rooker-Feldman did not bar the action because plaintiffs filed the federal case while the parallel state proceedings were ongoing.
3. The Eleventh Amendment barred plaintiffs' action because the complaint did not allege an ongoing violation of federal law or seek relief properly characterized as prospective; the Ex parte Young exception therefore did not apply.
4. Leave to amend was appropriate because plaintiffs might be able to cure the jurisdictional defect by alleging additional facts identifying an ongoing violation of federal law.

KEY QUOTATIONS

“When state proceedings are ongoing and a parallel federal action is filed, comity or abstention doctrines may apply, but Rooker-Feldman does not.” (9)

“Because the VanDykes do not seek prospective relief for an ongoing violation of federal law, Ex parte Young does not apply, and defendants are immune from suit.” (11)

“Because the VanDykes may be able to cure the jurisdictional defect by alleging additional facts that identify an ongoing violation of federal law, leave to amend is appropriate.” (12)

FACTUAL BACKGROUND

The plaintiffs owned property affected by an ODOT right-of-way project, including a driveway that ODOT sought to acquire and permanently close. ODOT made a \$3,400 prelitigation offer based on an appraisal that assumed a neighboring-property easement still benefited the plaintiffs' property. Plaintiffs asserted that a 1990 quitclaim deed extinguished the easement and asked ODOT to revise the offer, but ODOT refused. After the state condemnation court rejected plaintiffs' challenge to the offer, plaintiffs filed this § 1983 action alleging that the refusal violated the Uniform Act and their due process rights.

PROCEDURAL HISTORY

The Oregon Department of Transportation initiated a condemnation action against the plaintiffs in Hood River County Circuit Court. The state court denied plaintiffs' challenge to the adequacy of the prelitigation offer, the parties later settled while preserving plaintiffs' appellate rights, and judgment was entered for ODOT; the judgment was on appeal. Plaintiffs then filed this federal § 1983 action seeking injunctive and declaratory relief and a new compensation offer. The federal court held that claim-splitting and Rooker-Feldman did not bar the action, but that sovereign immunity did, and dismissed with leave to amend.

DISPOSITION

other

CASES CITED

- Weston Fam. P’ship LLLP v. Twitter, Inc., 29 F.4th 611, 617 (9th Cir. 2022)
- State ex rel. Dep’t of Transp. v. Singh, 257 Or. App. 322, 327-32 (2013)
- Shroyer v. New Cingular Wireless Servs., Inc., 622 F.3d 1035, 1041 (9th Cir. 2010)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-56 (2007)
- Khoja v. Orexigen Therapeutics, Inc., 899 F.3d 988, 998 (9th Cir. 2018)
- Reyn’s Pasta Bella, LLC v. Visa USA, Inc., 442 F.3d 741, 746 n.6 (9th Cir. 2006)
- Mendocino Ry. v. Ainsworth, 113 F.4th 1181, 1186 (9th Cir. 2024)
- United States v. Aguilar, 782 F.3d 1101, 1103 n.1 (9th Cir. 2015)
- Mendoza v. Amalgamated Transit Union Int’l, 30 F.4th 879, 885-86 (9th Cir. 2022)
- Adams v. Cal. Dep’t of Health Servs., 487 F.3d 684, 688 (9th Cir. 2007)
- Taylor v. Sturgell, 553 U.S. 880 (2008)
- Henderson v. Bonaventura, 649 F. App’x 639, 641 (9th Cir. 2016)
- Sanzaro v. Ardiente Homeowners Ass’n LLC, 513 F. App’x 646, 647 (9th Cir. 2013)
- Miroth v. County of Trinity, 136 F.4th 1141, 1148-49 (9th Cir. 2025)

- Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 284, 293 (2005)
- Noel v. Hall, 341 F.3d 1148, 1164 (9th Cir. 2003)
- Cogan v. Trabucco, 114 F.4th 1054, 1065 (9th Cir. 2024)
- Pennhurst State Sch. & Hosp. v. Halderman, 465 U.S. 89, 100-01, 104 (1984)
- Ex parte Young, 209 U.S. 123 (1908)
- Forward, Inc. v. Macomber, 2025 WL 4785110, at *2 (9th Cir. June 9, 2026), amended by 173 F.4th 1121
- Ass'n des Eleveurs de Canards et d'Oies du Quebec v. Harris, 729 F.3d 937, 943 (9th Cir. 2013)
- Planned Parenthood Great Nw. v. Labrador, 122 F.4th 825, 842 (9th Cir. 2024)
- Verizon Md., Inc. v. Pub. Serv. Comm'n of Md., 535 U.S. 635, 645-46 (2002)
- Idaho v. Coeur d'Alene Tribe of Idaho, 521 U.S. 261, 296 (1997)
- Milstein v. Cooley, 257 F.3d 1004, 1007 (9th Cir. 2001)