

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA

Sutherland v. Bales, et al.

Sutherland · No. 3:25-cv-00190-SLG · Decided January 26, 2026

SUMMARY

The United States District Court for the District of Alaska screens Ronald Sutherland’s self-represented complaint under 28 U.S.C. § 1915(e). The court dismisses the complaint for failure to state a claim, dismissing most claims and defendants without leave to amend while allowing a possible amended Fourteenth Amendment inadequate-medical-care claim against Dr. James Bales if Sutherland can establish equitable tolling or another basis overcoming the statute of limitations. The court grants Sutherland’s application to waive the filing fee and gives him 60 days to file an amended complaint or a notice of voluntary dismissal.

CASE DETAILS

COURT	United States District Court for the District of Alaska
WRITING FOR THE COURT	Sharon L. Gleason
JURISDICTION	United States District Court for the District of Alaska
DECIDED	January 26, 2026
DOCKET	3:25-cv-00190-SLG
DISPOSITION	dismissed
PROCEDURAL POSTURE	Initial screening of a self-represented plaintiff's civil complaint under 28 U.S.C. § 1915(e), together with an application to waive payment of the filing fee.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e), the court accepts factual allegations as true, construes a self-represented plaintiff's pleading liberally and in the plaintiff's favor, and disregards conclusory allegations, unreasonable inferences, and unwarranted factual deductions. The court may consider documents attached to or incorporated into the complaint and matters subject to judicial notice, and may dismiss at screening when an affirmative defense such as untimeliness is apparent on the face of the complaint.
PRECEDENTIAL VALUE	unpublished district court screening order
PARTIES	Ronald Sutherland v. Dr. James Bales, Dr. Jacob Light, Dr. Samuel Waller, Alaska Regional Hospital, Officer Luke Bowe, Detective Heidi

Schaeffer, Pretrial Services Officer John Doe, APD Officer Jane Doe, unnamed operating room staff, unnamed hospital employees

TOPICS

civil procedure section 1983 motions to dismiss statute of limitations medical malpractice

PRACTICE AREAS

civil procedure civil rights constitutional law medical malpractice personal injury torts

QUESTIONS PRESENTED

1. Whether the complaint stated claims cognizable under 28 U.S.C. § 1983 and the First, Fourth, Eighth, and Fourteenth Amendments.
2. Whether Sutherland's inadequate-medical-care allegations stated a Fourteenth Amendment claim against Dr. Bales.
3. Whether the complaint stated § 1983 claims against Dr. Light, unnamed hospital personnel, and Alaska Regional Hospital.
4. Whether the arrest, search-and-seizure, fabricated-evidence, warrant, and retaliation claims were improperly joined with the medical-care claim.
5. Whether the inadequate-medical-care claim against Dr. Bales appeared barred by Alaska's two-year statute of limitations and whether leave to amend should be granted to address tolling.

HOLDINGS

1. A district court must dismiss a screened civil complaint that is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from an immune defendant; applying that standard, the complaint was dismissed for failure to state a claim.
2. The Eighth Amendment did not apply because Sutherland was not a convicted prisoner in state custody when the alleged violations occurred; the Eighth Amendment claims were dismissed with prejudice.
3. Liberally construed, the complaint stated a plausible Fourteenth Amendment inadequate-medical-care claim against Dr. Bales, assuming he could be shown to have acted under color of state law.
4. The claims against Dr. Light and unnamed hospital personnel failed because the complaint did not allege their personal involvement in a constitutional violation and their alleged misrepresentations, without more, did not establish a Fourteenth Amendment violation; those defendants were dismissed without leave to amend in this action.
5. Alaska Regional Hospital could not be held liable under § 1983 based solely on alleged constitutional violations by its employees, and the complaint failed to identify a hospital policy, practice, or custom that was the moving force behind a constitutional violation; the hospital was dismissed without leave to amend in this action.

6. The claims concerning the arrest, search and seizure, alleged fabrication of evidence, warrants, and retaliation were not sufficiently related to the medical-care claim and could not proceed against those defendants in the same action.
7. The § 1983 medical-care claim against Dr. Bales appeared barred by Alaska's two-year statute of limitations because the alleged injury accrued no later than shortly after the July 11, 2023 surgery and the complaint was filed on September 9, 2025; the court nevertheless granted a limited opportunity to amend to plead equitable tolling or another basis avoiding the limitations bar.

KEY QUOTATIONS

“First, the defendant made an intentional decision regarding the denial of needed medical care. Second, the denial of the needed medical care put the plaintiff at substantial risk of suffering serious harm. Third, the defendant did not take reasonable available measures to abate or reduce the risk of serious harm, even though a reasonable health care provider under the circumstances would have understood the high degree of risk involved making the consequences of the defendant’s conduct obvious and objectively unreasonable. And fourth, by not taking such measures, the defendant caused the plaintiff’s injuries.” (Discussion III.B)

“A private entity may only be liable under Section 1983 if: (1) it acted under color of state law, and (2) a policy, practice, or custom of the entity can be shown to be the “moving force behind a violation of constitutional rights.”” (Discussion III.B.2)

FACTUAL BACKGROUND

Sutherland alleged that he was arrested on July 10, 2023, transported to Alaska Regional Hospital the next day while in custody, and underwent emergency spinal surgery by Dr. James Bales. He alleged that Bales failed to perform necessary procedures, left bone and disc material in place, caused infection and permanent spinal damage, and falsely documented the surgery. Sutherland also asserted claims concerning his arrest, alleged fabricated evidence and warrants, an alleged attempt to deter him from complaining, and the conduct of other medical personnel and Alaska Regional Hospital.

PROCEDURAL HISTORY

Sutherland filed a civil complaint on September 3, 2025, alleging constitutional and state-law claims arising from his arrest, prosecution, and medical treatment while in Alaska Department of Corrections custody. The court screened the complaint and dismissed it for failure to state a claim. The court granted leave to amend only the inadequate-medical-care claim against Dr. Bales concerning spinal surgery, subject to addressing the statute of limitations or equitable tolling, and otherwise dismissed the specified claims and defendants without leave to amend in this action.

DISPOSITION

dismissed

CASES CITED

- United States ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc., 971 F.2d 244, 248 (9th Cir. 1992)

- Calhoun v. Stahl, 254 F.3d 845 (9th Cir. 2001)
- Bernhardt v. Los Angeles County, 339 F.3d 920, 925 (9th Cir. 2003)
- Sprewell v. Golden State Warriors, 266 F.3d 979, 988 (9th Cir. 2001), amended by 275 F.3d 1187 (9th Cir. 2001)
- United States v. Ritchie, 342 F.3d 903, 908 (9th Cir. 2003)
- Washington v. Los Angeles County Sheriff's Department, 833 F.3d 1048, 1056 (9th Cir. 2016)
- Gordon v. City of Oakland, 627 F.3d 1092, 1094 (9th Cir. 2010)
- Albrecht v. Lund, 845 F.2d 193, 195 (9th Cir. 1988)
- Schreiber Distributing Co. v. Serv-Well Furniture Co., 806 F.2d 1393, 1401 (9th Cir. 1986)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Pliler v. Ford, 542 U.S. 225, 231 (2004)
- Ivey v. Board of Regents of University of Alaska, 673 F.2d 266, 268 (9th Cir. 1982)
- Rizzo v. Goode, 423 U.S. 362, 371-72 (1976)
- Gibson v. United States, 781 F.2d 1334, 1338 (9th Cir. 1986)
- Graham v. Connor, 490 U.S. 386, 393-94 (1989)
- Florer v. Congregation Pidyon Shevuyim, N.A., 639 F.3d 916, 922 (9th Cir. 2011)
- Briley v. State of California, 564 F.2d 849, 855-56 (9th Cir. 1977)
- West v. Atkins, 487 U.S. 42, 54-56 (1988)
- George v. Sonoma County Sheriff's Department, 732 F. Supp. 2d 922 (N.D. Cal. 2010)
- Hawkins v. Comparet-Cassani, 251 F.3d 1230, 1238 (9th Cir. 2001)
- Bell v. Wolfish, 441 U.S. 520, 535 n.16 (1979)
- Ewing v. City of Stockton, 588 F.3d 1218, 1235 (9th Cir. 2009)
- Monell v. New York City Department of Social Services, 436 U.S. 658, 694 n.58 (1978)
- Palmer v. Sanderson, 9 F.3d 1433, 1437-38 (9th Cir. 1993)
- Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989)
- Bird v. Department of Human Services, 935 F.3d 738, 743 (9th Cir. 2019)
- Smith v. Davis, 953 F.3d 582, 591 (9th Cir.), cert. denied, 141 S. Ct. 878 (2020)
- Belanus v. Clark, 796 F.3d 1021, 1024-27 (9th Cir. 2015)
- Robinson v. Alaska Housing Finance Corp., 442 P.3d 763, 766, 769 (Alaska 2019)
- Kimes v. Stone, 84 F.3d 1121, 1128 (9th Cir. 1996)
- Kaiser v. Umialik Insurance, 108 P.3d 876, 882 (Alaska 2005)
- Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 969 (9th Cir. 2010), cert. denied, 131 S. Ct. 3055 (2011)
- Huynh v. Chase Manhattan Bank, 465 F.3d 992, 997 (9th Cir. 2006)
- Cervantes v. City of San Diego, 5 F.3d 1273, 1276-77 (9th Cir. 1993)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA RONALD SUTHERLAND, Plaintiff, v. Case No. 3:25-cv-00190-SLG DR. JAMES BALES, et al., Defendants. SCREENING ORDER On September 3, 2025, self-represented litigant Ronald Sutherland (“Plaintiff”) filed a civil complaint and an application to waive payment of the filing fee.¹ Plaintiff’s claims relate to events that allegedly occurred while he was housed at the Anchorage Correctional Complex in the custody of the Alaska Department of Corrections (“DOC”), although it appears that Plaintiff was not in DOC custody when he filed this case.

Plaintiff claims Defendants have violated the First, Fourth, Eighth, and Fourteenth Amendments to the U.S. Constitution. He also brings state tort claims of assault and battery, medical malpractice, negligence, false imprisonment, and deceptive trade practices. He also accuses Defendants of participating in criminal activity, such as perjury and conspiracy.

¹ Dockets 1-2. The Court has now screened Plaintiff’s Complaint in accordance with 28 U.S.C. § 1915(e). For the reasons explained in this order, the Complaint is DISMISSED for failing to adequately state a claim for which relief may be granted. Plaintiff is accorded 60 days to file an amended complaint only as to his claims against Dr. Bales arising from his spinal surgery.

In an amended complaint, Plaintiff must address whether he properly qualifies for equitable tolling or other grounds sufficient to overcome the applicable statute of limitations for that claim. Alternatively, Plaintiff may file a notice of voluntary dismissal in which he elects to close this case. Pursuant to Rule 201 of the Federal Rules of Evidence, the Court takes judicial notice² of the Courtview records of the Alaska Trial Courts.³ SCREENING STANDARD Federal law requires a district court to conduct an initial screening of a civil complaint filed by a self-represented litigant seeking to proceed in a lawsuit in 2 Judicial notice is the “court’s acceptance, for purposes of convenience and without requiring a party’s proof, of a well-known and indisputable fact; the court’s power to accept such a fact.” Black’s Law Dictionary (12th ed.

2024); see also *United States ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992) (“We may take notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue.”) (internal citations and quotation marks omitted). ³ Publicly available records of the Alaska Court System may be accessed online at <https://courts.alaska.gov/main/search-cases.htm>.

Case No. 3:25-cv-00190-SLG, *Sutherland v. Bales, et al.* federal court without paying the filing fee.⁴ In this screening, a district court must dismiss the case at any time if the court determines that the action: (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.⁵ In conducting its screening review, a district court must accept as true the allegations of the complaint, construe the pleading in the light most favorable to the plaintiff, and resolve all doubts in the plaintiff's favor.⁶ However, a court is not required to accept as true conclusory allegations,

unreasonable inferences, or unwarranted deductions of fact.⁷ Although the scope of review generally is limited to the contents of the complaint, a court may also consider documents attached to the complaint, documents incorporated by reference in the complaint, or matters of judicial notice.⁸ Such documents that contradict the allegations of a complaint may fatally undermine the complaint's allegations.⁹ Moreover, even if a complaint 4 *Calhoun v. Stahl*, 254 F.3d 845, 845 (9th Cir.

2001) (“[T]he provisions of 28 U.S.C. § 1915(e)(2)(B) are not limited to prisoners[.]”). 5 28 U.S.C. § 1915(e)(2)(B). 6 *Bernhardt v. Los Angeles County*, 339 F.3d 920, 925 (9th Cir. 2003) (holding that a court must construe pleadings filed by self-represented litigants liberally and afford the complainant the benefit of any doubt). 7 *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir.

2001), amended by 275 F.3d 1187 (2001). 8 *United States v. Ritchie*, 342 F.3d 903, 908 (9th Cir. 2003). 9 *Sprewell*, 266 F.3d 979 at 988 (noting that a plaintiff can “plead himself out of a claim by including... details contrary to his claims”). Case No. 3:25-cv-00190-SLG, *Sutherland v. Bales*, et al. meets the pleading requirements, dismissal under § 1915 is still appropriate if an affirmative defense, such as untimeliness, is an “obvious bar to securing relief on the face of the complaint.”¹⁰ Before a court may dismiss any portion of a complaint, a court must provide a self-represented plaintiff with a statement of the deficiencies in the complaint and an opportunity to file an amended complaint, unless to do so would be futile.¹¹ Futility exists when “the allegation of other facts consistent with the challenged pleading could not possibly cure the deficiency.”¹²

DISCUSSION I. Summary of Plaintiff’s Claims Plaintiff’s Complaint alleges that he was arrested on or about July 10, 2023, and “was in need of emergent care at the time of his arrest.”¹³ Plaintiff claims he was arrested without probable cause and subsequently prosecuted based on false statements made by Officer Luke Bowe and Detective Heidi Schaeffer.

Plaintiff claims that the acts of these officers violated the First, Fourth, and Fourteenth Amendments to the Constitution.¹⁴ 10 *Washington v. Los Angeles Cnty. Sheriff’s Dep’t.*, 833 F.3d 1048, 1056 (9th Cir. 2016) (internal quotation marks omitted). 11 *Gordon v. City of Oakland*, 627 F.3d 1092, 1094 (9th Cir. 2010) (citing *Albrecht v. Lund*, 845 F.2d 193, 195 (9th Cir.

1988)). 12 *Schreiber Distributing Co. v. Serv-Well Furniture Co.*, 806 F.2d 1393, 1401 (9th Cir. 1986). 13 Docket 1 at 3. 14 Docket 1 at 6. Case No. 3:25-cv-00190-SLG, *Sutherland v. Bales*, et al. The following day, on July 11, 2023, while in DOC custody, Plaintiff was transported to Alaska Regional Hospital. Plaintiff alleges he was evaluated by an emergency room physician and that an MRI revealed that he needed emergency spine surgery.

Shortly thereafter, although the exact date is unclear, Dr. James Bales performed the surgery giving rise to Plaintiff’s inadequate medical care claims. Plaintiff asserts that Dr. Bales knowingly failed to perform necessary surgical procedures, “left a large debris field of bone and disc in

place,” and caused an infection and permanent damage to his spine.¹⁵ He also alleges that Dr. Bales’s post-operative notes falsely represented that he had performed the necessary surgical procedures.

Plaintiff states that several days later, after he bonded out of custody, a second MRI at Providence Hospital confirmed that Dr. Bales had not performed the procedures he claimed to have performed. Plaintiff alleges that Dr. Samuel Waller later performed the necessary surgery and informed Plaintiff that Dr. Bales “did nothing that he said he did, which had the effect of causing more instability of the spine and permanent damage.”¹⁶ Plaintiff claims the actions and inactions of Dr. Bales violated the Eighth Amendment and constitute assault, battery, and gross negligence.¹⁷ Plaintiff also seeks to hold Dr. Jacob Light and unnamed 15 Docket 1 at 4.

¹⁶ Docket 1 at 5. ¹⁷ Docket 1 at 6. Case No. 3:25-cv-00190-SLG, Sutherland v. Bales, et al. operating room staff liable for falsely agreeing that certain procedures had been done by Dr. Bales when they had not been done; he also seeks to hold Alaska Regional Hospital liable as Dr. Bales’s employer.

The Complaint also alleges that an unknown Pretrial Services officer (“John Doe”) filed two erroneous warrants against him and that an unknown APD officer (“Jane Doe”) contacted him in an “attempt to scare him off [of filing this lawsuit] and complaining on social media sites.”¹⁸ Plaintiff claims that these actions violated the First, Fourth, and Fourteenth Amendments.¹⁹ For relief, Plaintiff seeks \$1 million from each Defendant.

II. Requirements to State a Claim Rule 8 of the Federal Rules of Civil Procedure instructs that a complaint must contain a “short and plain statement of the claim showing that the [complainant] is entitled to relief[.]”²⁰ While a complaint need not, and should not, contain every factual detail, “unadorned, the defendant-unlawfully-harmed-me accusation[s]” are insufficient to state a claim.²¹ Although a federal court must construe complaints filed by self-represented plaintiffs filings liberally, a court cannot act as an attorney for a self-represented litigant, such as by supplying the 18 Docket 1 at 5.

¹⁹ Docket 1 at 6. ²⁰ Fed. R. Civ. P. 8(a)(2). ²¹ Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (citing Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)). Case No. 3:25-cv-00190-SLG, Sutherland v. Bales, et al. essential elements of a claim.²² A complaint must allege that the plaintiff suffered a specific injury as a result of the conduct of a particular defendant, and it must allege an affirmative link between that specific injury and the conduct of that defendant.²³ Further, multiple defendants may be joined in a single action only when the claims asserted against the defendants arise “out of the same transaction, occurrence, or series of transactions or occurrences” and “any question of law or fact common to all defendants will arise in the action.”²⁴ Unrelated claims against different defendants must be filed in separate lawsuits.

A federal court may exercise supplemental jurisdiction over related state law claims that “form part of the same case or controversy” as a federal claim, but a plaintiff must first have a cognizable claim for relief under federal law.²⁵ However, a district court may decline to exercise supplemental jurisdiction if (“(1) the claim raises a novel or complex issue of State law, (2) the claim substantially predominates over the claim or claims over which the district could have original jurisdiction, (3) the district court has dismissed all claims over which it has original jurisdiction, or (4) in exceptional circumstances, there are other compelling 22 *Pliler v. Ford*, 542 U.S. 225, 231 (2004); *Ivey v. Bd. of Regents of Univ. of Alaska*, 673 F.2d 266, 268 (9th Cir.

1982). 23 *Rizzo v. Goode*, 423 U.S. 362, 371-72 (1976). 24 Fed. R. Civ. P. 20(a)(2). 25 28 U.S.C. § 1367(a). Case No. 3:25-cv-00190-SLG, *Sutherland v. Bales*, et al. reasons for declining jurisdiction.”²⁶ III. Civil Rights Claims under Section 1983 To state a claim for relief under Section 1983, a plaintiff must allege plausible facts that, if proven, would establish that (1) the defendant acting under color of state law (2) deprived the plaintiff of rights secured by the federal Constitution or an enforceable right created by a federal statute.²⁷ Section 1983 does not confer constitutional or federal statutory rights.

Instead, it provides a mechanism for remedying violations of pre-existing federal rights.²⁸ To proceed on a Section 1983 claim, a plaintiff must plausibly allege facts that the defendant was acting as a state actor. There is a “presumption that conduct by private actors is not state action.”²⁹ Generally, private doctors and hospitals are not considered to be state actors.³⁰ And yet the Supreme Court has held that a physician who was under contract with the State to provide medical services to inmates at a state prison on a part-time basis acted under color of state law within the meaning of § 1983 when he treated the inmate.³¹ 26 28 U.S.C. § 1367(c).

27 *Gibson v. United States*, 781 F.2d 1334, 1338 (9th Cir. 1986). 28 *Graham v. Connor*, 490 U.S. 386, 393–94 (1989). 29 *Florer v. Congregation Pidyon Shevuyim, N.A.*, 639 F.3d 916, 922 (9th Cir. 2011) (citation omitted). 30 *Briley v. State of Cal.*, 564 F.2d 849, 855-56 (9th Cir. 1977) (noting that “private hospitals and physicians have consistently been dismissed from § 1983 actions for failing to come within the color of state law requirement of this section”).

31 *West v. Atkins*, 487 U.S. 42, 54-56 (1988); see also *George v. Sonoma County Sheriff's Dept.*, 732 F. Supp. 2d 922 (N.D. Cal. 2010) (finding that even though a medical center was privately Case No. 3:25-cv-00190-SLG, *Sutherland v. Bales*, et al. A. Plaintiff’s Eighth Amendment claim must be dismissed.

The protections of the Eighth Amendment's Cruel and Unusual Punishment Clause are “reserved for ‘those convicted of crimes’....”³² Plaintiff was not a convicted prisoner in the custody of the State at the time of the alleged violations, and as such, the Eighth Amendment does not apply.

Therefore, Plaintiff's claims under the Eighth Amendment must be dismissed with prejudice. Plaintiff's inadequate medical care claims when he was a pretrial detainee are evaluated under the Due Process Clause of the Fourteenth Amendment. 33 B. Plaintiff's claim of inadequate medical care under the Fourteenth Amendment To state a Fourteenth Amendment inadequate medical care claim, a plaintiff must plausibly allege facts to support each of the following elements: First, the defendant made an intentional decision regarding the denial of needed medical care.

Second, the denial of the needed medical care put the plaintiff at substantial risk of suffering serious harm. Third, the defendant did not take reasonable available measures to abate or reduce the risk of serious harm, even though a reasonable health care provider under the circumstances would have understood the high degree of risk involved making the consequences of the defendant's owned and also treated non-inmates, its contractual relationship with the county and its role in providing medical care to inmates made it a state actor).

32 *Hawkins v. Comparet-Cassani*, 251 F.3d 1230, 1238 (9th Cir. 2001) (quoting *Whitley*, 475 U.S. at 318). 33 *Bell v. Wolfish*, 441 U.S. 520, 535 n.16 (1979). Case No. 3:25-cv-00190-SLG, *Sutherland v. Bales*, et al. conduct obvious and objectively unreasonable. And fourth, by not taking such measures, the defendant caused the plaintiff's injuries.³⁴ Liberally construing Plaintiff's inadequate medical care claim under the Fourteenth Amendment, and assuming Dr. Bales would be found to be a state actor, Plaintiff's Complaint contains sufficient facts to state a plausible Fourteenth Amendment claim against Dr. Bales.

However, as explained below, Plaintiff fails to state a constitutional claim against Alaska Regional Hospital, Dr. Jacob Light, or any unnamed hospital employee. Further, Plaintiff's inadequate medical care claim against Dr. Bales appears to be time-barred by the statute of limitations. 1. Plaintiff's claims against Dr. Light and unnamed hospital personnel To assert a Section 1983 claim against individuals other than Dr. Bales, Plaintiff must allege facts showing each defendant's personal involvement in the alleged constitutional violation.³⁵ Liability under Section 1983 cannot be based on a defendant's supervisory role, generalized participation in medical care, or mere presence during the alleged events giving rise to a plaintiff's claims.³⁶ Plaintiff's vague and conclusory allegations about the involvement of Dr. Light and other 34 See Ninth Circuit Manual of Model Civil Jury Instructions, Instruction 9.30 and cases cited therein.

35 *Iqbal*, 556 U.S. at 676-78. See also *Ewing v. City of Stockton*, 588 F.3d 1218, 1235 (9th Cir. 2009). 36 *Monell v. New York City Dept. of Social Services*, 436 U.S. 658, 694 n. 58 (1978). Case No. 3:25-cv-00190-SLG, *Sutherland v. Bales*, et al. health care providers are insufficient to state a claim against any of the other hospital staff apart from Dr. Bales.

Moreover, Plaintiff's allegation that Dr. Light and unnamed medical staff "fraudulently represented that [Dr. Bales] did the required procedures"³⁷ might support a state law tort claim but does not constitute a Fourteenth Amendment violation.

Because Plaintiff has not stated and cannot state any viable federal constitutional claim against Dr. Light or any unnamed hospital personnel, these defendant must be dismissed without leave to amend in federal court. Plaintiff may choose to proceed in this action solely on his federal claim against Dr. Bales, or he may voluntarily dismiss this action and pursue both his federal and state law claims against all the health care defendants in state court.

2. Plaintiff's claims against Alaska Regional Hospital A private entity may not be held liable under Section 1983 based solely on the alleged constitutional violations of its employees.³⁸ There is no vicarious liability under Section 1983.³⁹ A private entity may only be liable under Section 1983 if: (1) it acted under color of state law, and (2) a policy, practice, or custom of the entity can be shown to be the "moving force behind a violation of constitutional 37 *Rizzo v. Goode*, 423 U.S. 362, 371-72 (1976).

³⁸ *Monell v. Department of Social Services*, 436 U.S. 658 (1978). ³⁹ *Palmer v. Sanderson*, 9 F.3d 1433, 1437-38 (9th Cir. 1993). See also *Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 1989) ("There is no respondeat superior liability under section 1983."). Case No. 3:25-cv-00190-SLG, *Sutherland v. Bales, et al. rights*.⁴⁰ Plaintiff has not identified a policy or custom of the hospital that allegedly caused his injuries.

Rather, his Complaint appears to allege that Dr. Bales was deliberately indifferent to Plaintiff's medical needs. Therefore, Plaintiff cannot maintain a Section 1983 claim against Alaska Regional Hospital.⁴¹ 3. The statute of limitations would appear to bar Plaintiff's claim against Dr. Bales A statute of limitations is a law that limits the time a plaintiff has to file a case.⁴² "Statutes of limitations require plaintiffs to pursue diligent prosecution of known claims," and serve to "protect defendants against stale or unduly delayed claims."⁴³ They also "ensure that claims are filed before essential evidence disappears."⁴⁴ Therefore, if a claim is not filed within the applicable statute of limitations, dismissal is proper, including when a plaintiff is self-represented.⁴⁵ 40 *Dougherty v. City of Covina*, 654 F.3d 892, 900 (9th Cir.

2011) (citing *Monell*, 436 U.S. at 694). ⁴¹ Plaintiff may be able to add Alaska Regional Hospital as a party to this case if Plaintiff's amended complaint contains state law claims as to Dr. Bales to which vicarious liability may apply, if this Court were to exercise supplemental jurisdiction over such claims. ⁴² STATUTE OF LIMITATIONS, *Black's Law Dictionary* (12th ed.

2024); see also *Bird v. Dep't of Human Servs.*, 935 F.3d 738, 743 (9th Cir. 2019) ("[A] claim accrues when the plaintiff knows or has reason to know of the injury which is the basis of the action.") (internal citation omitted). ⁴³ *Smith v. Davis*, 953 F.3d 582, 591 (9th Cir.), cert. denied, 141 S. Ct. 878 (2020) (internal citations omitted). ⁴⁴ *Belanus v. Clark*, 796 F.3d 1021, 1027 (9th Cir.

2015). 45 *Robinson v. Alaska Hous. Fin. Corp.*, 442 P.3d 763, 766, 769 (Alaska 2019) (dismissing self-represented plaintiff's complaint for failure to bring tort claim within two years of cause of action's accrual). Case No. 3:25-cv-00190-SLG, *Sutherland v. Bales, et al.* A Section 1983 claim accrues when the plaintiff knows, or should know, of the injury on which the cause of action is based.⁴⁶ A claim ordinarily accrues on date of the injury.⁴⁷ Because Section 1983 does not contain its own statute of limitations, federal courts apply the forum state's statute of limitations for personal injury actions.⁴⁸ Federal courts also apply a forum state's law regarding tolling, including equitable tolling, when not inconsistent with federal law.⁴⁹ In Alaska, the statute of limitations for personal injury claims is two years.⁵⁰ Here, the emergency surgery giving rise to Plaintiff's claim against Dr. Bales allegedly occurred on or about July 11, 2023.

Plaintiff was aware then of the alleged events on that date, or at least within "a few days" after he surgery when he was evaluated and treated at a different hospital.⁵¹ But Plaintiff filed this case on September 9, 2025, almost two months after the two-year statute of limitations had expired. 46 *Pouncil v. Tilton*, 704 F.3d 568, 573 (9th Cir.2012) (holding that "[f]ederal law determines when a cause of action for a Section 1983 claim accrues and, hence, when the statute of limitations begins to run").

47 *Belanus v. Clark*, 796 F.3d 1021, 1025 (9th Cir. 2015) (quoting *Kimes v. Stone*, 84 F.3d 1121, 1128 (9th Cir.1996)). 48 *Butler v. Nat'l Cmty. Renaissance of Cal.*, 766 F.3d 1191, 1198 (9th Cir. 2014). 49 See *Hardin v. Straub*, 490 U.S. 536, 537–39 (1989). 50 Alaska Stat. § 09.10.070. 51 Docket 1 at 4-5. Case No. 3:25-cv-00190-SLG, *Sutherland v. Bales, et al.* Plaintiff does not claim that he was legally incompetent during the limitations period.⁵² Nor has he pleaded "extraordinary circumstances" outside of his control that made it impossible for him to timely file the complaint.

Further, Alaska courts have found that even major life stressors—such as illness, homelessness, or imprisonment—are insufficient to justify tolling.⁵³ Because Plaintiff was released on bail after only a short detention, it is unlikely that he could establish that the statute of limitations should be tolled.

For these reasons, Plaintiff's claim against Dr. Bales appear to be time barred. A time-barred claim may be dismissed at the screening stage when the expiration of the applicable statute of limitations "is apparent on the face of the complaint."⁵⁴ However, before dismissing Plaintiff's claim against Dr. Bales as time-barred, Plaintiff will be given an opportunity to address equitable tolling.⁵⁵ In an amended complaint, Plaintiff must allege facts that support the tolling of the 52 Alaska Stat. § 09.10.140(a).

53 *Kaiser v. Umialik Ins.*, 108 P.3d 876, 882 (Alaska 2005) (finding divorce, incarceration, and illness insufficient to justify tolling the statute of limitations). 54 *Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954, 969 (9th Cir. 2010) (quoting *Huynh v. Chase*

Manhattan Bank, 465 F.3d 992, 997 (9th Cir. 2006)) (internal quotation marks omitted), cert. denied, 131 S. Ct.

3055 (2011); *Belanus v. Clark*, 796 F.3d 1021, 1024-25 (9th Cir. 2015) (affirming dismissal of pro se complaint upon screening pursuant to 28 U.S.C. § 1915A, in part, because prisoner's complaint, on its face, appeared to be untimely and barred by the applicable statute of limitations). 55 *Cervantes v. City of San Diego*, 5 F.3d 1273, 1276-77 (9th Cir. 1993) (noting that dismissal on statute of limitations grounds is disfavored where matters outside the complaint are not considered and where equitable tolling may apply).

Case No. 3:25-cv-00190-SLG, *Sutherland v. Bales*, et al. statute of limitations or otherwise demonstrate why his inadequate medical care claim against Dr. Bales is not time barred. C. Plaintiffs' remaining claims Plaintiff claims that APD Officer Jane Doe contacted him because he called Alaska Regional Hospital twice and posted a complaint on the hospital's social media page.

However, Plaintiff has not alleged that Jane Doe took any adverse action against Plaintiff because of Plaintiff's protected activity. Therefore, Plaintiff's has failed to state a plausible retaliation claim against Officer Jane Doe. Further, Plaintiff's claim against Officer Doe is, at best, only tangentially related to Plaintiff's claim against Dr. Bales.

Thus, any retaliation claim against Officer Doe must be brought, if at all, in a separate court case. Accordingly, Plaintiff's claim in this case against Officer Jane Doe is dismissed without leave to amend. Plaintiff's Complaint also alleges claims of unlawful arrest, illegal search and seizure, and fabrication of evidence against the Anchorage Police Department and two of its officers that led to Plaintiff's arrest on July 10, 2023.

But these claims involve a different date and markedly different facts from Plaintiff's inadequate medical care claims. Plaintiff's assertion that he would not have had the surgery giving rise to his inadequate medical care claims if he had not been improperly prosecuted in the first place does not create a sufficient nexus for these claims to proceed in the same case as Plaintiff's claim against Dr. Bales.

Case No. 3:25-cv-00190-SLG, *Sutherland v. Bales*, et al. Likewise, Plaintiff against Pretrial Services Office John Doe is not sufficiently related to his claims against Dr. Bales. Plaintiff refers to the two bench warrants issued during the course of his criminal proceedings.⁵⁶ A review of the state court records indicate that both of these warrants were issued in 2024.⁵⁷ Thus, Plaintiff's claim against PSO John Doe cannot be joined in this action.

IV. Filing an Amended Complaint An amended complaint replaces the prior complaint in its entirety.⁵⁸ Plaintiff is being given an opportunity to file an amended complaint only as to his inadequate medical care claims against Dr. Bales. An amended complaint must not expand the scope of the case by alleging new unrelated parties or claims. An amended complaint must address

whether Plaintiff properly qualifies for equitable tolling or other grounds sufficient to overcome the applicable statute of limitations as to his claims against Dr. Bales.

An amended complaint must contain separately numbered, clearly identified allegations. If handwritten, it must be legible. The amended complaint should identify the specific injury that the plaintiff is alleging was caused by the defendant, when that injury occurred, and where that injury occurred.

In addition, the allegations of the amended complaint must be set forth in sequentially numbered paragraphs. 56 Docket 1 at 5. 57 State of Alaska vs. Sutherland, Ronald David, Case No. 3AN-23-05101CR, Docket 07/11/2024 (Bench Warrant Issued); Docket 09/19/2024 (Bench Warrant Issued). 58 See Fed. R. Civ. P. 15; District of Alaska Local Civil Rule 15.1. Case No. 3:25-cv-00190-SLG, Sutherland v. Bales, et al. short paragraphs, with no paragraph number being repeated anywhere in the complaint. 59 Rule 10(b) of the Federal Rules of Civil Procedure requires that “[a] party must state its claims or defenses as numbered paragraphs, each limited as far as practicable to a single set of circumstances.” If Plaintiff files an amended complaint, the Court will screen the amended complaint to determine whether it is subject to dismissal or whether that complaint may proceed to the next stage of litigation.

Should the amended complaint proceed beyond the screening stage, the Court will order service of that complaint on Defendant(s). Plaintiff must not attempt to serve any Defendant until the Court so orders. IT IS THEREFORE ORDERED: 1. Plaintiff’s Complaint at Docket 1 is DISMISSED. 2. Plaintiff is accorded leave to file an amended complaint only as to his inadequate medical care claim against Dr. Bales and only if he can allege facts supporting tolling of the statute of limitations or otherwise demonstrate why his inadequate medical care claim is not time-barred.

3. Plaintiff’s claims against Officer Bowe, Detective Schaeffer, Pretrial Services Officer John Doe, Officer Jane Doe, and the Anchorage Police 59 A complaint must consist of continuously numbered paragraphs from beginning to end; do not start each new section with number 1. This allows ease of reference to the various allegations in the complaint and permits the defendants to admit or deny each specific allegation by paragraph.

Case No. 3:25-cv-00190-SLG, Sutherland v. Bales, et al. Department are DISMISSED without leave to amend in this case; these defendants must not be included in an amended complaint filed in this case. 4. Plaintiff’s Section 1983 claims against Dr. Light, all unnamed hospital employees, and Alaska Regional Hospital are DISMISSED without leave to amend in this case; these defendants must not be included in an amended complaint filed in this case.

5. Plaintiff is accorded 60 days from the date of this order to file either: a. First Amended Complaint, in which Plaintiff revises his complaint as to only his claim against Dr. Bales related to his spinal surgery. An amended complaint should be on the Court’s form, which is being provided

to Plaintiff with this order; OR b. Notice of Voluntary Dismissal, in which Plaintiff elects to close and end this case and not pursue his claim against Dr. Bales.

6. If Plaintiff does not file either a First Amended Complaint or Notice of Voluntary Dismissal on the Court's form within 60 days of the date of this order, this case shall be dismissed for failure to state a claim without further notice to Plaintiff. 7. Plaintiff's application to waive payment of the filing fee at Docket 2 is GRANTED. 8. Self-represented litigants are expected to review and comply with the Federal Rules of Civil Procedure, the District of Alaska's Local Civil Rules, and all Case No. 3:25-cv-00190-SLG, Sutherland v. Bales, et al. Court orders.⁶⁰ Failure to do so may result in the imposition of sanctions authorized by law, including dismissal of the action.

9. At all times, all parties shall keep the Court informed of any change of address or phone number. Such notice shall be titled "Notice of Change of Address." The Notice shall contain only information about the change of address, and its effective date.⁶¹ The Notice shall not include requests for any other relief. A Notice of Change of Address form, PS23, may be obtained from the Clerk of Court, if needed.

If Plaintiff fails to keep a current address on file with the Court, that may result in a dismissal of the case without further notice to Plaintiff. 10. All litigants are responsible for keeping copies of everything filed with the Court.

As a courtesy, the Clerk's Office will keep original filings from self-represented litigants, including exhibits, for 180 days from the date the document was filed. However, litigants should not send the Court important original documents or documents that cannot be replaced.⁶² Copies of documents filed 60 See 28 U.S.C. § 1654 (permitting parties in federal court to represent themselves or be represented by an attorney, subject to the court's rules); Local Civil Rule 1.1(a) (3) ("All parties, including self-represented parties, must comply with these Local Rules and the Federal Rules of Civil Procedure.

References in these rules to 'counsel' or 'attorneys' also refer to self-represented parties."). See also U.S. Courts, Federal Rules of Civil Procedure, <https://www.uscourts.gov/rules-policies/current-rules-practice-procedure/federal-rules-civil-procedure>; U.S. District Court for the District of Alaska, Local Rules and Orders, <https://www.akd.uscourts.gov/court-info/local-rules-and-orders/local-rules>.

⁶¹ See District of Alaska Local Civil Rule 11.1(b) (requiring a notice of change of address to be filed, as "[s]elf-represented parties must keep the court and other parties advised of the party's current address and telephone number"). ⁶² If an original must be returned, a Motion for Return of Document should be filed as soon as possible. Case No. 3:25-cv-00190-SLG, Sutherland v. Bales, et al. with the Court may be obtained from the Clerk's Office for 50 cents per page.⁶³ In the event

of special circumstances or serious financial need, a litigant may ask for the copying costs to be waived or reduced prior to accruing charges.⁶⁴ 11.

With this order, the Clerk is directed to send: (1) form PS15, with “FIRST AMENDED” written above the title “Complaint Under the Civil Rights Act 42 U.S.C. § 1983; (2) form PS09, Notice of Voluntary Dismissal; and (3) form PS23, Notice of Change of Address. DATED this 26th day of January, 2026, at Anchorage, Alaska. /s/ Sharon L. Gleason SHARON L. GLEASON UNITED STATES DISTRICT JUDGE 63 Alaska Local Civil Rule 79.2(b).

See also 28 U.S.C. § 1914, Judicial Conference Schedule of Fees at ¶ 4(a). ⁶⁴ See PACER, Options to Access Records if You Cannot Afford PACER Fees, <https://pacer.uscourts.gov/my-account-billing/billing/options-access-records-if-you-cannot-afford-pacer-fees> (last accessed Jan. 5, 2026). Case No. 3:25-cv-00190-SLG, Sutherland v. Bales, et al.