UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAIʻI

Richard Henry Johnston, Jr. v. City and County of Honolulu, et al.

Johnston · No. 24-cv-00442-DKW-WRP · Decided April 2, 2026

SUMMARY

The United States District Court for the District of Hawaiʻi grants in part the defendants' motion for judgment on the pleadings in Richard Henry Johnston, Jr.'s action alleging harassment, false imprisonment, and attempted false imprisonment. The court dismisses the operative complaint for failure to state a claim but grants leave to amend, requiring a standalone amended complaint with specific factual allegations. The court sets April 16, 2026, as the deadline for amendment and warns that failure to amend will result in dismissal with prejudice.

CASE DETAILS

COURT	United States District Court for the District of Hawaiʻi
WRITING FOR THE COURT	Derrick K. Watson
JURISDICTION	United States District Court for the District of Hawaiʻi
DECIDED	April 2, 2026
DOCKET	24-cv-00442-DKW-WRP
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for judgment on the pleadings under Federal Rule of Civil Procedure 12(c), seeking dismissal with prejudice of the plaintiff's claims for harassment, false imprisonment, and attempted false imprisonment. The court granted the motion in part, dismissed the operative complaint for failure to state a claim, and granted leave to amend.
STANDARD OF REVIEW	A Rule 12(c) motion is governed by a standard functionally identical to Rule 12(b)(6). The court accepts well-pleaded factual allegations as true, but not legal conclusions or conclusory recitals, and asks whether the complaint contains sufficient factual matter to state a facially plausible claim for relief under Rule 8(a).
PRECEDENTIAL VALUE	Unknown
PARTIES	Richard Henry Johnston, Jr. v. City and County of Honolulu, Honolulu Police Department

TOPICS

motion for judgment on the pleadings | pleadings | civil procedure | false imprisonment | police misconduct

PRACTICE AREAS

civil procedure | civil rights | torts | municipal law

QUESTIONS PRESENTED

1. Whether the operative complaint stated plausible claims for harassment, false imprisonment, or attempted false imprisonment under the federal pleading standards.
2. Whether dismissal should be with prejudice or whether Johnston should be granted leave to amend.
3. What pleading content Johnston must provide if he elects to file an amended complaint.

HOLDINGS

1. The operative complaint failed to state a claim because it merely labeled alleged wrongdoing without providing sufficient factual allegations to make any claim plausible.
2. Despite the deficient pleading and Johnston's prior unsuccessful attempts to amend, leave to amend was appropriate under the circumstances, particularly because Johnston was proceeding pro se.
3. Any amended complaint must stand alone and separately provide short, plain factual statements identifying the right allegedly violated, each responsible defendant, the defendant's conduct and timing, the connection between that conduct and the violation, and the specific resulting injury.

KEY QUOTATIONS

> *"To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'"* (2)

> *"The substantive merit of Defendants' motion is straightforward. As the Court explained in its May 12, 2025 Order, the Complaint offers no factual allegations to support any of the apparent tort claims asserted therein for harassment, false imprisonment, or attempted false imprisonment."* (6)

> *"Further, should he file an amended complaint, Johnston may not incorporate any part of the Complaint, Dkt. No. 1. Instead, the amended complaint must stand alone; in other words, if filed, it must contain all factual allegations and claims upon which Johnston wishes to rely."* (7)

FACTUAL BACKGROUND

Johnston asserted claims against the City and County of Honolulu and the Honolulu Police Department based primarily on labels such as harassment, false imprisonment, attempted false imprisonment, false tickets, and wrongful detention. The operative complaint did not allege factual details identifying the legal rights violated, the specific conduct of each defendant, when the conduct occurred, or the injury caused. Johnston did not substantively respond to defendants' Rule 12(c) motion and instead filed a submission concerning unidentified Supreme Court authority, settlement, and damages.

PROCEDURAL HISTORY

Johnston filed the action and a motion for preliminary injunction in October 2024. The court denied preliminary injunctive relief after finding that the filings contained no factual support for the asserted claims, and the Ninth Circuit affirmed. Johnston's subsequent attempts to amend and obtain summary judgment did not result in relief. After Johnston failed to respond substantively to defendants' Rule 12(c) motion, the court dismissed the complaint but permitted a further amended complaint by April 16, 2026.

DISPOSITION

other

CASES CITED

- United States ex rel. Cafasso v. Gen. Dynamics C4 Sys., Inc., 637 F.3d 1047, 1054 n.4 (9th Cir. 2011)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 556, 570 (2007)
- Abagninin v. AMVAC Chem. Corp., 545 F.3d 733, 742 (9th Cir. 2008)
- AmerisourceBergen Corp. v. Dialysist West, Inc., 465 F.3d 946, 951 (9th Cir. 2006)
- Brooks v. Tapestry, Inc., 2022 WL 21872531, at *1 (E.D. Cal. Oct. 31, 2022)
- Lacey v. Maricopa County, 693 F.3d 896, 928 (9th Cir. 2012) (en banc)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAI‘I RICHARD HENRY JOHNSTON, JR., Case No. 24-cv-00442-DKW-WRP Plaintiff, ORDER GRANTING IN PART vs. DEFENDANTS’ MOTION FOR JUDGMENT ON THE CITY AND COUNTY OF HONOLULU, et al., PLEADINGS WITH LEAVE TO AMEND Defendants.

On May 12, 2025, the Court denied Plaintiff Richard Johnston’s motion for preliminary injunction, observing that no such relief was warranted because Johnston “supplie[d] not a shred of factual support for his purported claims[,]” Dkt. No. 35 at 2, a decision subsequently affirmed by the Ninth Circuit Court of Appeals, Dkt. No. 51. Defendants, the City and County of Honolulu and the Honolulu Police Department, now move for judgment on the pleadings under Federal Rule of Civil Procedure 12(c) (“motion”), relying upon this Court’s May 12, 2025 findings and Johnston’s subsequent failure to file an amended complaint consistent with pertinent Local and Federal Rules of Civil Procedure.

Dkt. No. 74. Defendants request dismissal of the operative Complaint with prejudice. For the reasons set forth below, the motion, Dkt. No. 74, is GRANTED IN PART to the extent that, because the claims in the operative Complaint are clearly deficient, Defendants are entitled to dismissal of the same.

However, although it is a close call given the procedural posture of this case, dismissal is with leave to amend, to the extent described below. STANDARD OF REVIEW Federal Rule of Civil Procedure 12(c) provides that, "[a]fter the pleadings are closed…a party may move for judgment on the pleadings." The standard governing a Rule 12(c) motion is "functionally identical" to that governing a Federal Rule of Civil Procedure 12(b)(6) motion.

United States ex rel. Cafasso v. Gen. Dynamics C4 Sys., Inc., 637 F.3d 1047, 1054 n.4 (9th Cir. 2011). Rule 12(b)(6) authorizes the Court to dismiss a complaint that fails "to state a claim upon which relief can be granted." Rule 12(b)(6) is read in conjunction with Rule 8(a), which requires "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed.R.Civ.P.

8(a)(2). Pursuant to Ashcroft v. Iqbal, "[t]o survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" 556 U.S. 662, 678 (2009) (quoting Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)).

In addition, "the tenet that a court must accept as true all 2 of the allegations contained in a complaint is inapplicable to legal conclusions." Id. Accordingly, "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." Id. (citing Twombly, 550 U.S. at 555). Rather, "[a] claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." Id. (citing Twombly, 550 U.S. at 556).

When a complaint fails to state a plausible claim, leave to amend should be given when "justice so requires." Fed.R.Civ.P. 15(a)(2). Justice does not require leave to amend when (1) it would prejudice an opposing party, (2) it is sought in bad faith, (3) it would produce an undue delay in litigation, (4) it would be futile, or (5) there has been repeated failure to cure a deficiency.

Abagninin v. AMVAC Chem. Corp., 545 F.3d 733, 742 (9th Cir. 2008); AmerisourceBergen Corp. v. Dialysist West, Inc., 465 F.3d 946, 951 (9th Cir. 2006). PROCEDURAL BACKGROUND In October 2024, Johnston initiated this action with the filing of a Complaint and a motion for preliminary injunction. Dkt. Nos. 1, 6.

In the Complaint, Johnston asserted claims of harassment, false imprisonment, and attempted false 3 imprisonment against Defendants. On February 14, 2025, Defendants appeared in this action by filing an Answer to the Complaint. Dkt. No. 17.

On May 12, 2025, the Court denied Johnston's motion for preliminary injunction. Dkt. No. 35. In pertinent part, the Court found as follows: Here, whether in the motion [for preliminary injunction], the Complaint, or any of his other numerous filings, however liberally construed, Johnston supplies not a shred of factual support for his purported claims. Instead, Johnston merely

conclusorily asserts that he has been "harass[ed]" or "false[ly]" cited by the Honolulu Police Department.

Id. at 2. Thereafter, Johnston both moved for reconsideration of the May 12, 2025 Order and appealed the same to the Ninth Circuit. Dkt. Nos. 36, 39, 46. Neither effort resulted in relief for Johnston. Dkt. Nos. 43, 51.

After affirmance of the May 12, 2025 Order by the Ninth Circuit, Johnston twice attempted to amend the Complaint, moved for summary judgment, and filed multiple "notice[s]" of U.S. Supreme Court authority. Dkt. Nos. 59, 61, 64-65, 70. Again, these filings resulted in no affirmative relief for Johnston.

First, Johnston was not permitted to unilaterally file an amended complaint long after the period for doing so had expired. Dkt. No. 68. Second, Johnston's motion for leave to amend the Complaint was denied for failure to follow an applicable Local Rule. Dkt. No. 72.

Third, Johnston's motion for summary judgment was denied because it sought 4 such relief with respect to claims not alleged in the Complaint. Dkt. No. 68. And, finally, the Court explained that it was unnecessary to notify the Court of general legal principles in filings separate from memoranda of law. Dkt. Nos. 60, 62.

On February 25, 2026, Defendants moved for judgment on the pleadings. Dkt. No. 74. Defendants argue that all claims should be dismissed with prejudice because the Complaint fails to allege factual support for the same and because Johnston has failed to properly amend his claims since entry of the May 12, 2025 Order.

The same day, the Court set briefing on the motion, with Johnston's response due by March 11, 2026 and Defendants' reply due by March 25, 2026. Dkt. No. 75. As of this date, Johnston has not filed a response to the motion. Instead, on March 5, 2026, he filed a self-titled "motion for judicial notice of supreme court authority and notice of prior criminal acquittal, settlement demand, and statement of damages." Dkt.

No. 76. The foregoing, even liberally construed, does not address any argument made in the motion. Instead, Johnston contends that an unidentified U.S. Supreme Court decision is "directly applicable to this case", he has made a "formal settlement position" "to resolve this matter" of $14,780,000, 5 and, should this case go to trial, he will "seek hundreds of millions—and potentially billions—in damages." Id. at 1-3, 6.

Defendants did not reply to this non-responsive offering and, therefore, with the time for briefing complete, this Order follows. DISCUSSION The substantive merit of Defendants' motion is straightforward. As the Court explained in its May 12, 2025 Order, the Complaint offers no factual

allegations to support any of the apparent tort claims asserted therein for harassment, false imprisonment, or attempted false imprisonment.

Instead, the Complaint simply uses those labels—"repeated harassment", "ongoing harassment", "systematic campaign of harassment", "false imprisonment", and "attempted to falsely imprison"—along with others—"false tickets", "false citations", "falsely charged", and "wrongfully detained"—without more. Again, this is plainly insufficient under federal pleading standards.

Iqbal, 556 U.S. at 678. Defendants, therefore, are clearly entitled to dismissal of all claims asserted in the Complaint. The only real issue is whether Johnston is entitled to leave to amend his claims. The matter is a close-call, given the procedural history of this case over the last year, which already includes various attempts to amend by Johnston. 6 However, on balance, the Court finds leave to amend to be appropriate under the circumstances here, particularly Johnston's pro-se status.

See, e.g., Brooks v. Tapestry, Inc., 2022 WL 21872531, at *1 (E.D. Cal. Oct. 31, 2022) (citing cases for the proposition that "courts have the discretion to grant a Rule 12(c) motion with leave to amend…."). Accordingly, should Johnston choose to file an amended complaint, he must write short, plain statements of: (1) the legal right he believes was violated; (2) the name of the specific defendant(s) who violated that right; (3) exactly what each defendant did or failed to do and when; (4) how the action or inaction of that defendant is connected to the violation of the legal right; and (5) what specific injury he suffered because of the defendant's or defendants' conduct.

Johnston must repeat this process for each right and each person or entity named as a defendant. In addition, Johnston may not rely upon conclusory assertions of wrongdoing, such as the ones identified above. Instead, he must make factual allegations in support of all his claims. Further, should he file an amended complaint, Johnston may not incorporate any part of the Complaint, Dkt.

No. 1. Instead, the amended complaint must stand alone; in other words, if filed, it must contain all factual allegations and claims upon which Johnston wishes to rely. Therefore, to the extent any claims from the 7 Complaint are not re-alleged in any amended complaint, those claims will be deemed voluntarily dismissed. See Lacey, 693 F.3d at 928 (stating that claims dismissed with prejudice need not be re-alleged in an amended complaint to preserve them for appeal, but claims that are voluntarily dismissed are considered waived if they are not re-pled).

CONCLUSION For the reasons set forth herein, the motion for judgment on the pleadings, Dkt. No. 74, is GRANTED IN PART to the extent that the Complaint is dismissed for failure to state a claim upon which relief can be granted. Johnston is nonetheless permitted to file an amended

complaint, consistent with the guidance above. Johnston may have until April 16, 2026 to file an amended complaint should he so choose.

The Court cautions Johnston that failure to file an amended complaint by April 16, 2026 will result in the dismissal of this case with prejudice and without further notice. IT IS SO ORDERED. Dated: April 2, 2026 at Honolulu, Hawai‘i. □□ dot Derrick K. Watson Rg Chief United States District Judge

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