

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Carl A. Wescott v. HonorHealth, et al.

No. CV-25-01460-PHX-DJH · No. No. CV-25-01460-PHX-DJH · Decided March 20, 2026

SUMMARY

The United States District Court for the District of Arizona grants Carl A. Wescott’s application to proceed in forma pauperis and screens his complaint under 28 U.S.C. § 1915(e)(2). The Court dismisses the complaint for failure to state plausible federal claims, denies the pending service motion, and grants leave to file a First Amended Complaint within 30 days.

CASE DETAILS

COURT	United States District Court for the District of Arizona
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 20, 2026
DOCKET	No. CV-25-01460-PHX-DJH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff sought leave to proceed in forma pauperis. After granting IFP status, the district court screened the complaint under 28 U.S.C. § 1915(e)(2) and dismissed it with leave to amend.
STANDARD OF REVIEW	On mandatory screening of an in forma pauperis complaint under 28 U.S.C. § 1915(e)(2), the court determines whether the action is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The court accepts well-pleaded factual allegations as true, views facts in the light most favorable to the plaintiff, disregards legal conclusions, and applies the Rule 8 and plausibility standards articulated in Twombly and Iqbal.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Carl A. Wescott v. HonorHealth, Dr. Castro-Marin, Policewoman Jane Doe, Arizona State Police

TOPICS

- civil procedure
- section 1983
- due process
- civil rights
- motions to dismiss

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible claim under 42 U.S.C. § 1983 against HonorHealth and Dr. Castro-Marin when the complaint did not adequately allege that they were state actors.
2. Whether the complaint stated a § 1983 due-process claim based on the alleged loss or deprivation of property when Arizona provided adequate post-deprivation remedies.
3. Whether the complaint stated a claim under 42 U.S.C. § 1985(3) when dismissal of the claims against one alleged conspirator left only one remaining defendant.
4. Whether the complaint adequately identified a constitutional right or federal law supporting its general § 1983 claim against the remaining defendants.
5. Whether the court should decline supplemental jurisdiction over the state-law claims after dismissal of all federal claims.

HOLDINGS

1. The court granted the application to proceed in forma pauperis and screened the complaint under 28 U.S.C. § 1915(e)(2).
2. The § 1983 claims against HonorHealth and Dr. Castro-Marin were dismissed because the complaint did not plausibly allege that either defendant was a state actor or that the challenged conduct was fairly attributable to the State.
3. The general § 1983 claim was dismissed because the complaint did not clearly identify a constitutional right or federal law allegedly violated.
4. The due-process claim based on the alleged loss or deprivation of Wescott's property was dismissed because adequate post-deprivation remedies were available under Arizona law.
5. The § 1985(3) conspiracy claim was dismissed because, after dismissal of the claims against Dr. Castro-Marin, only one defendant remained and § 1985(3) requires a conspiracy of two or more persons.
6. The court declined supplemental jurisdiction over the state-law claims and dismissed them without prejudice after dismissing all federal claims.
7. The court granted Wescott thirty days to file a first amended complaint because it was not absolutely clear that the pleading deficiencies could not be cured by amendment.

KEY QUOTATIONS

“section 1915(e) not only permits but requires a district court to dismiss an [IFP] complaint that fails to state a claim.” (at 2)

“A complaint “must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.”” (at 2)

“When the Court eliminates the federal claims in a case and only state law claims remain, the Court should

decline jurisdiction over the state claims and dismiss them without prejudice.” (at 8)

“an amended complaint supersedes the original complaint and renders it without legal effect” (at 8-9)

FACTUAL BACKGROUND

Wescott went to an HonorHealth emergency room after exposure to toxic gases and dangerously low oxygen saturation. After his oxygen levels normalized and he sought to leave, a policewoman allegedly petitioned for court-ordered treatment, and hospital personnel and security prevented him from leaving until he departed during a shift change three days later. He alleged that personal property left at the hospital was lost or otherwise disposed of and asserted federal civil-rights, due-process, conspiracy, and false-imprisonment claims.

PROCEDURAL HISTORY

Wescott filed a complaint asserting claims under 42 U.S.C. §§ 1983 and 1985(3), the Fourteenth Amendment, and state-law false imprisonment. The court granted his application to proceed without prepaying fees, screened the complaint, dismissed the federal claims for failure to state a claim or lack of a state actor, declined supplemental jurisdiction over the remaining state-law claims, denied the pending motion for service, and allowed thirty days to file an amended complaint.

DISPOSITION

dismissed

CASES CITED

- *Lopez v. Smith*, 203 F.3d 1122, 1127, 1126 n.7, 1131 (9th Cir. 2000) (en banc)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 676, 678 (2009)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555-57, 570 (2007)
- *Shwarz v. United States*, 234 F.3d 428, 435 (9th Cir. 2000)
- *Jackson v. Barnes*, 749 F.3d 755, 763-64, 767 (9th Cir. 2014)
- *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010)
- *Long v. Maricopa Cmty. College Dist.*, 2012 WL 588965, at *1 (D. Ariz. Feb. 22, 2012)
- *Calhoun v. Stahl*, 254 F.3d 845 (9th Cir. 2001)
- *McLemore v. Dennis Dillon Auto. Grp., Inc.*, 2013 WL 97767, at *2 n.1 (D. Idaho Jan. 8, 2013)
- *Watkins v. Mercy Med. Ctr.*, 520 F.2d 864, 896 (9th Cir. 1975)
- *Briley v. California*, 564 F.2d 849, 855-56 (9th Cir. 1977)
- *West v. Atkins*, 487 U.S. 42, 58 (1988)
- *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972)
- *Ivey v. Bd. of Regents of the Univ. of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982)
- *Rizzo v. Goode*, 423 U.S. 362, 371-72, 377 (1976)
- *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998)

- Martin v. Castillo, 2025 WL 2698623, at *10 (E.D. Cal. Sept. 22, 2025)
- Franceschi v. Yee, 887 F.3d 927, 935 (9th Cir. 2018)
- Witt v. Dep't of Air Force, 527 F.3d 806, 817 (9th Cir. 2008)
- Hudson v. Palmer, 468 U.S. 517, 533 (1984)
- Wright v. Riveland, 219 F.3d 905, 918 (9th Cir. 2000)
- Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 350 (1988)
- Casavelli v. Johanson, 2020 WL 4732145, at *10 (D. Ariz. Aug. 14, 2020)
- Lacey v. Maricopa County, 693 F.3d 896, 925, 927 (9th Cir. 2012) (en banc)
- McHenry v. Renne, 84 F.3d 1172, 1177 (9th Cir. 1996)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992)
- Ghazali v. Moran, 46 F.3d 52, 54 (9th Cir. 1995)

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