

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
WASHINGTON

Anthony Lynn Couch, Sr. v. Amanda

Couch · No. C24-6034-JCC-SKV · Decided January 27, 2026

SUMMARY

This order directs the Clerk to attempt service of the plaintiff’s second amended civil rights complaint on Defendant Amanda at two specified addresses. It also explains the deadlines and procedural requirements for waiver of service, responsive pleadings, filings, motions, and communications with the Court.

CASE DETAILS

|                       |                                                                                                                                                                                                                                          |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of Washington                                                                                                                                                                      |
| WRITING FOR THE COURT | S. Kate Vaughan                                                                                                                                                                                                                          |
| DECIDED               | January 27, 2026                                                                                                                                                                                                                         |
| DOCKET                | C24-6034-JCC-SKV                                                                                                                                                                                                                         |
| DISPOSITION           | other                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | In this prisoner civil-rights action under 42 U.S.C. § 1983, the court directed the Clerk to attempt service of the second amended complaint on Defendant Amanda at two newly provided addresses and set response and filing procedures. |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                                                                                              |

TOPICS

- service of process
- civil rights
- section 1983
- motions to dismiss
- summary judgment

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- service of process

QUESTIONS PRESENTED

- Whether the court should direct another attempt to serve Defendant Amanda after prior service materials were returned as undeliverable.
- What response deadlines and filing procedures should govern the newly served defendant and the parties in this prisoner civil-rights action.

3. Whether defendants moving to dismiss for failure to exhaust administrative remedies or for summary judgment must provide a Rand notice to the pro se prisoner plaintiff.

## HOLDINGS

1. Because Plaintiff supplied two possible service addresses for Defendant Amanda, the court directed the Clerk to send the second amended complaint, the order, and waiver-of-service materials to Amanda at both addresses.
2. A defendant who timely returns a waiver of service must answer or file a Rule 12 motion within 60 days after the date designated on the notice of lawsuit; a defendant who is personally served must answer or file a permitted motion within 21 days after service.
3. Defendants filing motions to dismiss based on failure to exhaust administrative remedies or motions for summary judgment must serve the required Rand notice concurrently with the motion; failure to do so may result in the motion being stricken from the calendar with leave to refile.

## KEY QUOTATIONS

*“A motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will, if granted, end your case.” (at 4-5)*

*“If Defendant timely returns a signed waiver, she shall have sixty (60) days after the date designated on the notice of lawsuit to file and serve an answer to the complaint or a motion permitted under Rule 12 of the Federal Rules of Civil Procedure.” (at 2)*

## FACTUAL BACKGROUND

Anthony Lynn Couch, Sr. brought a prisoner civil-rights action against several defendants, including Amanda, whom he identified as a cook at the Grays Harbor County Jail. Service materials sent to Amanda were returned as undeliverable. Couch then provided two possible service addresses, including an address he identified as Amanda's current place of employment and a business address.

## PROCEDURAL HISTORY

The court previously directed service of Plaintiff's second amended complaint on three named defendants. Service was completed on Paul Logan and Travis Davis, but materials sent to Defendant Amanda were returned as undeliverable. After the court ordered Plaintiff to provide a service address, Plaintiff supplied two possible addresses, prompting the court to direct another service attempt.

## DISPOSITION

other

## CASES CITED

- Woods v. Carey, 684 F.3d 934, 941 (9th Cir. 2012)
- Rand v. Rowland, 154 F.3d 952, 963 (9th Cir. 1998)

## OPINION

1 2 3 4 5 6 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 7  
AT TACOMA 8 ANTHONY LYNN COUCH, SR., 9 Plaintiff, Case No. C24-6034-JCC-SKV 10 v.  
ORDER DIRECTING SERVICE OF 11 AMANDA, et al., PLAINTIFF’S SECOND AMENDED  
CIVIL RIGHTS COMPLAINT ON 12 Defendants. DEFENDANT AMANDA 13 14 This is a civil  
rights action brought pursuant to 42 U.S.C. § 1983.

On October 15, 2025, 15 this Court issued an Order directing service of Plaintiff’s second  
amended complaint on three 16 named Defendants. Dkt 24. Service was effectuated on two of the  
Defendants, Paul Logan and 17 Travis Davis, but the service materials directed to the remaining  
Defendant, “Amanda,” whom 18 Plaintiff identified as a cook at the Grays Harbor County Jail,  
were returned as undeliverable.

19 See Dkts. 26, 27. On November 26, 2025, the Court issued an Order directing Plaintiff to 20  
provide a service address for Defendant Amanda. Dkt. 29. Plaintiff has now provided two 21  
possible service addresses for this Defendant, one which Plaintiff indicates is her current place of  
22 employment, and one which Plaintiff identifies as “her business address.” See Dkt.

30. The 23 Court will therefore once again attempt service on Defendant Amanda. 1 Accordingly,  
the hereby Court ORDERS as follows: 2 (1) Service by Clerk 3 The Clerk is directed to send to  
Defendant Amanda a copy of Plaintiff’s second amended 4 complaint (Dkt. 21), a copy of this  
Order, two copies of the notice of lawsuit and request for 5 waiver of service of summons, a  
waiver of service of summons, and a return envelope, postage 6 prepaid, addressed to the Clerk’s  
Office, at the following two addresses: Stafford Creek 7 Corrections Center, 191 Constantine Way,  
Aberdeen, WA 98520; and, Summit Correctional 8 Services, 500 East 52nd Street North, Sioux  
Falls, SD 57104.

9 (2) Response Required 10 Defendant shall have thirty (30) days within which to return the  
waiver of service of 11 summons. If Defendant timely returns a signed waiver, she shall have sixty  
(60) days after the 12 date designated on the notice of lawsuit to file and serve an answer to the  
complaint or a motion 13 permitted under Rule 12 of the Federal Rules of Civil Procedure.

If Defendant fails to timely 14 return the signed waiver, she will be personally served with a  
summons and complaint and may 15 be required to pay the full costs of such service, pursuant to  
Rule 4(d)(2) of the Federal Rules of 16 Civil Procedure. A defendant who has been personally  
served must file an answer or motion 17 permitted under Rule 12 within twenty-one (21) days  
after service.

18 (3) Filing and Service by Parties, Generally 19 All attorneys admitted to practice before this  
Court are required to file documents 20 electronically via the Court’s CM/ECF system. Counsel  
are directed to the Court’s website, 21 [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov), for a detailed description of the

requirements for filing via CM/ECF. 22 All non-attorneys, such as pro se parties and/or prisoners, may continue to file a paper original 23 with the Clerk.

All filings, whether filed electronically or in traditional paper format, must 1 indicate in the upper right-hand corner the name of the magistrate judge to whom the document 2 is directed. Any document filed with the Court must be accompanied by proof that it has been 3 served upon all parties that have entered a notice of appearance in the underlying matter.

4 (4) Motions, Generally 5 Any request for court action shall be set forth in a motion, properly filed and served. 6 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a 7 part of the motion itself and not in a separate document.

The motion shall include in its caption 8 (immediately below the title of the motion) a designation of the date the motion is to be noted for 9 consideration upon the Court's motion calendar. 10 The motion shall be noted in accordance with LCR 7(d). Motions including stipulated 11 and agreed motions, motions to file over-length motions or briefs, motions for reconsideration, 12 joint submissions pursuant to the optional procedure established in LCR 37(a)(2), motions for 13 default, requests for the clerk to enter default judgment, ex parte motions, motions to recuse, and 14 motions for a temporary restraining order shall be noted for consideration on the day they are 15 filed.

LCR 7(d)(1). Other non-dispositive motions shall be noted for consideration no earlier 16 than 21 days from the date of filing. LCR 7(d)(3). All dispositive motions, and motions such as 17 those seeking a preliminary injunction or directed toward changing the forum, shall be noted for 18 consideration no earlier than 28 days after filing. LCR 7(d)(4). 19 For electronic filers, any opposition to a non-dispositive motion shall be filed and 20 received by the moving party no later than 15 days after the filing date of the motion, and any 21 reply shall be filed and received by the opposing party no later than 21 days after the filing date 22 of the motion.

LCR 7(d)(3). Any opposition to a dispositive motion by an electronic filer shall 23 be filed and received by the moving party no later than 21 days after the filing date of the motion 1 and any reply shall be filed and received by the opposing party no later than 28 days after the 2 filing date of the motion. LCR 7(d)(4). 3 (5) Motions to Dismiss and Motions for Summary Judgment 4 Parties filing motions to dismiss pursuant to Rule 12 of the Federal Rules of Civil 5 Procedure and motions for summary judgment pursuant to Rule 56 of the Federal Rules of Civil 6 Procedure should acquaint themselves with those rules.

As noted above, such motions shall be 7 noted for consideration no earlier than 28 days after the motion is filed. 8 Defendants filing motions to dismiss or motions for summary judgment are advised that they 9 MUST serve Rand notices concurrently with motions to dismiss based on failure to exhaust 10 administrative remedies and motions for summary judgment so that pro se prisoner

plaintiffs will 11 have fair, timely and adequate notice of what is required of them in order to oppose those 12 motions.

Woods v. Carey, 684 F.3d 934, 941 (9th Cir. 2012). The Ninth Circuit has set forth 13 model language for such notices: 14 A motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will, if granted, end your case. 15 Rule 56 tells you what you must do in order to oppose a motion for 16 summary judgment. Generally, summary judgment must be granted when there is no genuine issue of material fact – that is, if there is no real 17 dispute about any fact that would affect the result of your case, the party who asked for summary judgment is entitled to judgment as a matter of 18 law, which will end your case.

When a party you are suing makes a motion for summary judgment that is properly supported by declarations 19 (or other sworn testimony), you cannot simply rely on what your complaint says. Instead, you must set out specific facts in declarations, 20 depositions, answers to interrogatories, or authenticated documents, as provided in Rule 56(e), that contradict the facts shown in the 21 defendant's declarations and documents and show that there is a genuine issue of material fact for trial.

If you do not submit your own 22 evidence in opposition, summary judgment, if appropriate, may be entered against you. If summary judgment is granted, your case will 23 be dismissed and there will be no trial. 1 Rand v. Rowland, 154 F.3d 952, 963 (9th Cir. 1998) (emphasis added). 2 Defendants who fail to file and serve the required Rand notice on Plaintiff may have their 3 motion stricken from the Court's calendar with leave to re-file.

4 (6) Direct Communications with District Judge or Magistrate Judge 5 No direct communication is to take place with the District Judge or Magistrate Judge with 6 regard to this case. All relevant information and papers are to be directed to the Clerk. 7 (7) The Clerk is directed to send a copy of this Order to Plaintiff and to counsel for 8 the Defendants who have appeared in this action.

The Clerk is further directed to send a courtesy 9 copy of this Order to the Washington Attorney General's Office given Plaintiff's representation 10 that Defendant Amanda is now employed at a Washington Department of Corrections facility. 11 DATED this 27th day of January, 2026. 12 13 A S. KATE VAUGHAN 14 United States Magistrate Judge 15 16 17 18 19 20 21 22 23