

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Crouch v. Bowser

Civil Action No. 25-2212 (RDM) · No. Civil Action No. 25-2212 (RDM) · Decided May 8, 2026

SUMMARY

The United States District Court for the District of Columbia grants the District and Metropolitan Police Department’s motion to dismiss and motion to strike the plaintiff’s unauthorized sur-reply. The court concludes that the MPD is non sui juris, that the complaint fails to plausibly allege municipal liability under Monell, and that any common-law false-arrest claim is barred by failure to provide statutory notice. The court directs the plaintiff to file proof of service on the U.S. Department of Justice within 45 days.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Randolph D. Moss
JURISDICTION	United States District Court for the District of Columbia
DECIDED	May 8, 2026
DOCKET	Civil Action No. 25-2212 (RDM)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed claims in the District of Columbia Superior Court against the Mayor of the District of Columbia in her official capacity, the Metropolitan Police Department, and the U.S. Department of Justice. The District and the MPD removed the case to federal district court and moved to dismiss under Federal Rules of Civil Procedure 12(b)(5) and 12(b)(6). They also moved to strike Plaintiff's unauthorized sur-reply.
STANDARD OF REVIEW	On a Rule 12(b)(5) motion, the plaintiff bears the burden of proving effective service of process. On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff's favor, and determines whether the complaint states a facially plausible claim. The court reviewed the decision to permit a sur-reply for abuse of discretion principles and applied the court's Standing Order and Local Rule 7(b).

PRECEDENTIAL VALUE

Published district court memorandum opinion; persuasive authority within the District of Columbia federal courts but not binding precedent outside the court's jurisdiction.

TOPICS

motions to dismiss

service of process

section 1983

first amendment

municipal liability

PRACTICE AREAS

civil procedure

constitutional law

civil rights

municipal law

QUESTIONS PRESENTED

1. Whether the Metropolitan Police Department is a suable entity separate from the District of Columbia.
2. Whether Plaintiff plausibly alleged municipal liability under 42 U.S.C. § 1983 by identifying a District policy or custom that caused a constitutional violation.
3. Whether any common-law false-arrest claim against the District should be dismissed for failure to provide notice under D.C. Code § 12-309.
4. Whether Plaintiff's unauthorized sur-reply should be stricken.
5. Whether Plaintiff should receive additional time to serve the U.S. Department of Justice under Federal Rule of Civil Procedure 4(i) and Rule 4(m).

HOLDINGS

1. The Metropolitan Police Department is non sui juris and is not a proper party to the action absent explicit statutory authorization permitting it to be sued separately from the District of Columbia.
2. Plaintiff failed to state a Monell claim against the District because he did not plausibly allege both a predicate constitutional violation and a District policy or custom that was the moving force behind that violation.
3. Plaintiff could not amend his complaint through arguments presented for the first time in his opposition brief, and the additional theories would not establish Monell liability even if considered.
4. To the extent Plaintiff asserted a common-law false-arrest claim, the claim was dismissed because Plaintiff failed to provide the statutory notice required by D.C. Code § 12-309 and failed to oppose the District's arguments, which the court treated as conceded.
5. The court struck Plaintiff's sur-reply because he filed it without leave, failed to show good cause, and raised arguments that could have been presented in his opposition.
6. The court declined to dismiss the claims against the U.S. Department of Justice for insufficient service at that time and directed Plaintiff to effect service and file proof of service within 45 days.

KEY QUOTATIONS

“ “[I]n the absence of explicit statutory authorization, bodies within the District of Columbia government are not suable as separate entities.” ” (at 7)

“To survive a motion to dismiss a Monell claim, a plaintiff “must coherently allege[] the existence of a broader municipal custom or practice that explains the predicate constitutional violations.” ” (at 9)

“ “In addition, a plaintiff must allege an “affirmative link,” such that a municipal policy was the “moving force” behind the constitutional violation.” ” (at 9)

“ “[M]erely speculating that an unidentified policy and uncorroborated practice or custom exists without providing any factual heft to support the allegation is insufficient to state a claim under § 1983.” ” (at 12)

“ “Proof of a single incident of unconstitutional activity is not sufficient to impose liability under Monell, unless proof of the incident includes proof that it was caused by an existing, unconstitutional municipal policy” ” (at 12)

FACTUAL BACKGROUND

Nelson Crouch publicly protested outside Westminster Presbyterian Church by displaying a poster opposing gender-affirming care for minors. During an Easter-service confrontation, several church members prevented him from entering, and small amounts of saliva landed on their coats; Crouch attributed this to dry mouth resulting from prior radiation treatment for tongue cancer. He was later arrested by District police, charged first with simple assault and then with misdemeanor trespassing, and ultimately had the charge dismissed. He sued the District, the MPD, and the Department of Justice, alleging that his arrest and prosecution were retaliation for exercising First Amendment rights.

PROCEDURAL HISTORY

Plaintiff initiated the action in D.C. Superior Court on June 6, 2025, alleging that the District, the MPD, and the Department of Justice violated his First Amendment rights by arresting and prosecuting him to deter his opposition to gender-affirming care. The MPD and the District removed the case on July 11, 2025. The court granted the MPD and District's motion to dismiss, granted their motion to strike the sur-reply, and gave Plaintiff 45 days to serve the Department of Justice and file proof of service.

DISPOSITION

other

CASES CITED

- Gordon v. U.S. Capitol Police, 778 F.3d 158, 163-64 (D.C. Cir. 2015)
- Hilska v. Jones, 217 F.R.D. 16, 20 (D.D.C. 2003)
- Candido v. District of Columbia, 242 F.R.D. 151, 160, 164 (D.D.C. 2007)
- Gorman v. Ameritrade Holding Corp., 293 F.3d 506, 514 (D.C. Cir. 2002)
- Wilson v. Prudential Financial, 332 F. Supp. 2d 83, 89 (D.D.C. 2004)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)

- Laughlin v. Holder, 923 F. Supp. 2d 204, 209 (D.D.C. 2013)
- Trudeau v. FTC, 456 F.3d 178, 193 (D.C. Cir. 2006)
- Akers v. Beal Bank, 760 F. Supp. 2d 1, 3 (D.D.C. 2011)
- Dominguez v. District of Columbia, 536 F. Supp. 2d 18, 22 (D.D.C. 2008)
- Scahill v. District of Columbia, 271 F. Supp. 3d 216, 231 (D.D.C. 2017)
- Roberson v. D.C. Board of Higher Education, 359 A.2d 28, 31 n.4 (D.C. 1976)
- Monell v. Department of Social Services, 436 U.S. 658, 690-94 (1978)
- Jones ex rel. A.H. v. District of Columbia, 805 F. Supp. 3d 218, 234-35 (D.D.C. 2025)
- Baker v. District of Columbia, 326 F.3d 1302, 1306 (D.C. Cir. 2003)
- Collins v. City of Harker Heights, 503 U.S. 115, 120 (1992)
- Hunter v. District of Columbia, 824 F. Supp. 2d 125, 133 (D.D.C. 2011)
- Maldonado v. District of Columbia, 924 F. Supp. 2d 323, 330-31 (D.D.C. 2013)
- Jones v. Perkins, No. 19-cv-03168, 2020 WL 6887742, at *5 (D.D.C. Nov. 24, 2020)
- Polk County v. Dodson, 454 U.S. 312, 326 (1981)
- Givens v. Bowser, 111 F.4th 117, 122 (D.C. Cir. 2024)
- Statewide Bonding, Inc. v. U.S. Department of Homeland Security, 980 F.3d 109, 117 n.5 (D.C. Cir. 2020)
- Frey v. Town of Jackson, No. 19-CV-50-F, 2019 WL 13260492, at *12 (D. Wyo. July 12, 2019)
- Trimble v. District of Columbia, 779 F. Supp. 2d 54, 59 (D.D.C. 2011)
- City of Oklahoma City v. Tuttle, 471 U.S. 808, 823-24 (1985)
- Aubin v. District of Columbia, 107 F. Supp. 3d 169, 172 (D.D.C. 2015)
- United Mine Workers v. Gibbs, 383 U.S. 715, 725 (1966)
- Deppner v. Spectrum Health Care Resources, Inc., 325 F. Supp. 3d 176, 190 (D.D.C. 2018)
- Ali Shafi v. Palestinian Authority, 642 F.3d 1088, 1097 (D.C. Cir. 2011)
- Pollard v. District of Columbia, 191 F. Supp. 3d 58, 82 (D.D.C. 2016)
- Alridge v. G4S Secure Solutions USA, Inc., No. 19-cv-1360, 2019 WL 2931293, at *2 (D.D.C. July 8, 2019)
- Price v. Automotive Finance Corp., No. 25-cv-2333, 2026 WL 686150, at *6 (D.D.C. Mar. 11, 2026)