

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Fernald v. Deschutes County

Fernald · No. 6:24-cv-02155-AA · Decided March 26, 2026

SUMMARY

The United States District Court for the District of Oregon granted Defendants’ Rule 12(b)(6) motion to dismiss Devon Fernald’s § 1983 claims arising from an alleged assault and inadequate medical care while detained at the Deschutes County Jail. The court held that the complaint failed to plausibly allege individual deliberate indifference or municipal liability under Monell and denied further leave to amend. The court declined supplemental jurisdiction over the state-law claims and dismissed them without prejudice.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Ann Aiken
JURISDICTION	United States District Court for the District of Oregon
DECIDED	March 26, 2026
DOCKET	6:24-cv-02155-AA
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff's two claims under 42 U.S.C. § 1983 and five state-law claims.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts material factual allegations as true and construes them in the plaintiff's favor, but need not accept legal conclusions couched as factual allegations. The complaint must contain sufficient factual matter to state a claim that is plausible on its face.
PRECEDENTIAL VALUE	unpublished
PARTIES	Devon Fernald v. Deschutes County, Shane Nelson, in his personal capacity, Michael Schults, in his personal capacity, John/Jane Does 1–5, in their personal capacities, Shaun Murphy, in his personal capacity, Luis Torrico, in his personal capacity

TOPICS

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QUESTIONS PRESENTED

1. Whether Plaintiff adequately pleaded a Fourteenth Amendment failure-to-protect claim under 42 U.S.C. § 1983 against individual jail officials.
2. Whether Plaintiff adequately pleaded a Fourteenth Amendment claim for constitutionally inadequate medical care against individual jail officials.
3. Whether Plaintiff adequately pleaded a municipal-liability claim against Deschutes County under *Monell v. Department of Social Services*.
4. Whether Plaintiff was entitled to file a third amended complaint without opposing-party consent or leave of court and whether further amendment would be futile.
5. Whether the court should exercise supplemental jurisdiction over the state-law claims after dismissing all federal claims.

HOLDINGS

1. Plaintiff failed to state a Fourteenth Amendment failure-to-protect claim because he alleged no facts showing that the individual defendants knew that the other detainee posed a substantial risk of serious harm, that a reasonable officer would have appreciated that risk, or that the defendants failed to take reasonable available measures to abate it.
2. Plaintiff failed to state a Fourteenth Amendment inadequate-medical-care claim because he alleged only that he was not taken to the hospital or properly treated for 75 days and did not identify conduct by Sheriff Nelson or Captain Shults constituting objective deliberate indifference to his medical needs.
3. Plaintiff failed to state a § 1983 municipal-liability claim because he did not plausibly allege an underlying constitutional deprivation, a policy or custom amounting to deliberate indifference, or facts supporting a failure-to-train, lack-of-policy, or ratification theory.
4. Further amendment was not warranted because Plaintiff had already amended the complaint twice, had made little meaningful effort to plead the elements of his claims, and the court determined that further amendment would be futile.
5. The court declined to exercise supplemental jurisdiction over the remaining state-law claims after dismissing all claims within its original federal-question jurisdiction, and dismissed the state-law claims without prejudice.

FACTUAL BACKGROUND

Plaintiff alleged that he was arrested for fireworks violations and transported to the Deschutes County Jail on or about December 30, 2022. He alleged that, within minutes of entering the jail, a visibly drug-impaired or

mentally addled detainee punched him twice while deputies attempted to respond. Plaintiff further alleged that he was not taken to a hospital or properly treated for approximately 75 days and was later diagnosed with ear and cranial injuries.

PROCEDURAL HISTORY

Plaintiff filed a Second Amended Complaint alleging that he was assaulted by another detainee shortly after entering the Deschutes County Jail and was later denied adequate medical care. Defendants moved to dismiss for failure to state a claim. The court granted the motion, dismissed the federal claims without further leave to amend, and declined supplemental jurisdiction over the state-law claims, dismissing those claims without prejudice.

DISPOSITION

dismissed

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 663, 678–79 (2009)
- Robertson v. Dean Witter Reynolds, Inc., 749 F.2d 530, 534 (9th Cir. 1984)
- Gonzaga University v. Doe, 536 U.S. 273, 285 (2002)
- Anderson v. Warner, 451 F.3d 1063, 1067 (9th Cir. 2006)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- DeShaney v. Winnebago County Department of Social Services, 489 U.S. 189, 199–200 (1989)
- United States v. Reese, 2 F.3d 870, 887–88 (9th Cir. 1993)
- Castro v. County of Los Angeles, 833 F.3d 1060, 1070–71 (9th Cir. 2016)
- Gordon v. County of Orange, 888 F.3d 1118, 1124–25 (9th Cir. 2018)
- Long v. County of Los Angeles, 442 F.3d 1178, 1185 (9th Cir. 2006)
- Monell v. Department of Social Services of City of New York, 436 U.S. 658, 690 (1978)
- Mabe v. San Bernardino County, 237 F.3d 1101, 1110–11 (9th Cir. 2001)
- Dougherty v. City of Covina, 654 F.3d 892, 900–01 (9th Cir. 2011)
- Price v. City of Corning, No. 1:13-cv-01730-CL, 2014 WL 3362296, at *2 (D. Or. May 13, 2014)
- Jones v. County of San Diego, No. 20CV1989-GPC(DEB), 2022 WL 718491, at *10 (S.D. Cal. Mar. 10, 2022)
- Moore v. City of Orange, Case No. SACV 17-01024 JVS(JCGx), 2017 WL 10518114, at *3–4 (C.D. Cal. Sept. 25, 2017)
- Connick v. Thompson, 563 U.S. 51, 62 (2011)
- City of Canton, Ohio v. Harris, 489 U.S. 378, 390–91 (1989)
- Price v. Sery, 513 F.3d 962, 966 (9th Cir. 2008)
- Ulrich v. City & County of San Francisco, 308 F.3d 968, 984–85 (9th Cir. 2002)

- Lytle v. Carl, 382 F.3d 978, 987 (9th Cir. 2004)
- Sheehan v. City & County of San Francisco, 743 F.3d 1211, 1231 (9th Cir. 2014)
- Gillette v. Delmore, 979 F.2d 1342, 1348 (9th Cir. 1992)
- Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1051 (9th Cir. 2003)
- McKesson HBOC, Inc. v. New York State Common Retirement Fund, Inc., 339 F.3d 1087, 1090 (9th Cir. 2003)
- Religious Technology Center v. Wollersheim, 971 F.2d 364, 367–68 (9th Cir. 1992)

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