

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

**Aaron Wider v. Eric Myrene, in his individual and official capacities;
and the United States of America**

Aaron Wider v. Eric Myrene, in His Individual and Official Capacities, and United States of America, No. 6:26-cv-347-MC (D. Or. Feb. 24, 2026) · No. 6:26-cv-347-MC · Decided February 24, 2026

SUMMARY

The United States District Court for the District of Oregon denied Aaron Wider’s application to proceed in forma pauperis and dismissed his complaint with prejudice. The court held that Wider’s claims concerning his federal probation officer’s supervision were not cognizable under Bivens, were barred by immunity and potentially Heck v. Humphrey, and that his Federal Tort Claims Act claim was barred by failure to exhaust and the discretionary-function exception. The court also denied pending motions as moot.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Michael McShane
JURISDICTION	United States District Court for the District of Oregon
DECIDED	February 24, 2026
DOCKET	6:26-cv-347-MC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a civil action asserting Bivens claims against his federal probation officer and an FTCA negligence claim against the United States, and sought leave to proceed in forma pauperis, a temporary restraining order, and a preliminary injunction.
STANDARD OF REVIEW	The court applied the statutory screening standards governing in forma pauperis proceedings under 28 U.S.C. § 1915, including whether the claims were frivolous or failed to state a claim. For preliminary injunctive relief, the court applied the Winter factors and the substantially similar temporary restraining order standard.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Aaron Wider v. Eric Myrene, in his individual and official capacities, United States of America

TOPICS

injunctions

government liability

negligence

civil rights

criminal procedure

PRACTICE AREAS

civil rights

federal courts

government liability

torts

criminal procedure

QUESTIONS PRESENTED

1. Whether Plaintiff's Bivens claims arising from alleged conduct by his federal probation officer stated a viable claim.
2. Whether the probation officer was entitled to absolute prosecutorial or quasi-judicial immunity for conduct undertaken in supervising Plaintiff's federal release.
3. Whether Plaintiff's claims were barred or potentially barred by Heck v. Humphrey because success could imply the invalidity of an ongoing sentence or future revocation proceeding.
4. Whether Plaintiff stated an FTCA negligence claim where he did not allege exhaustion and the alleged conduct fell within the discretionary-function exception.
5. Whether Plaintiff was entitled to proceed in forma pauperis or obtain a temporary restraining order or preliminary injunction.

HOLDINGS

1. Plaintiff's Bivens claims necessarily failed because they did not arise in one of the three specific contexts recognized by the Supreme Court, and the circumstances did not justify extending Bivens.
2. Defendant Myrene was entitled to absolute prosecutorial and quasi-judicial immunity for actions taken during Plaintiff's federal supervision.
3. Disputes concerning Plaintiff's federal supervision had to be raised in the ongoing criminal supervision proceedings rather than through a new federal civil action.
4. Plaintiff's FTCA claim failed because he did not allege that he presented the claim to the appropriate agency and received a written denial.
5. Leave to amend would be futile because the alleged negligent acts were discretionary actions taken in the course of supervising Plaintiff and were barred by the FTCA discretionary-function exception.
6. Plaintiff was not entitled to proceed in forma pauperis because his claims failed to state a viable nonfrivolous claim, and the requested injunctive relief was unavailable.

KEY QUOTATIONS

"As the Ninth Circuit concluded just three years ago, extensions of Bivens beyond the three specific contexts previously recognized "are dead on arrival.""

"In short, Plaintiff has other remedies available regarding his concerns over Defendant Myrene's actions taken during his supervision of Plaintiff. Bringing a civil action against the Defendants, however, is not a remedy available to Plaintiff at this time."

FACTUAL BACKGROUND

Plaintiff was released from Bureau of Prisons custody in November 2023 and was assigned Defendant Eric Myrene as his federal probation officer. Plaintiff believed he was acting only as trustee of a family trust and that the trust assets and his receipt of an inheritance were outside the court's jurisdiction. Myrene apparently viewed Plaintiff's conduct differently and may have believed it warranted a supervised-release violation. Plaintiff attempted to challenge the supervision dispute through a new civil action and sought injunctive relief.

PROCEDURAL HISTORY

The district court reviewed Plaintiff's application to proceed in forma pauperis and the complaint. The court concluded that the complaint failed to state a viable Bivens or FTCA claim, denied leave to proceed in forma pauperis, dismissed the action with prejudice, and denied pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- O'Loughlin v. Doe, 920 F.2d 614, 616-617 (9th Cir. 1990)
- Winter v. Natural Resources Defense Council, Inc., 129 S. Ct. 365, 374 (2008)
- Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1131 (9th Cir. 2011)
- Lockheed Missile & Space Co. v. Hughes Aircraft Co., 887 F. Supp. 1320, 1323 (N.D. Cal. 1995)
- Harper v. Nedd, 71 F.4th 1181, 1183, 1187 (9th Cir. 2023)
- Harris v. Neal, 2024 WL 2884618, at *3 (W.D. Wash. 2024)
- Heck v. Humphrey, 512 U.S. 477 (1994)
- Martin v. Sias, 88 F.3d 774, 775 (9th Cir. 1996)
- Hirano v. Sand Island Treatment Ctr., 2021 WL 243437, at *9 (D. Haw. 2021)
- Lawrence v. United States, 340 F.3d 952, 958 (9th Cir. 2003)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON AARON WIDER, Case. No. 6:26-cv-347-MC OPINION & ORDER Plaintiff, v. ERIC MYRENE, in his individual and official capacities; and the UNITED STATES OF AMERICA, Defendants.

MCSHANE, Judge: Pro se plaintiff seeks leave to proceed in forma pauperis (IFP). ECF No. 1. This court has discretion in deciding whether to grant in forma pauperis status.

See O'Loughlin v. Doe, 920 F.2d 614, 616 (9th Cir. 1990). To qualify for in forma pauperis status, a civil litigant must demonstrate both that the litigant is unable to pay court fees and that the claims the litigant seeks to pursue are not frivolous. 28 U.S.C. § 1915(a)(1), 1915(e)(2)(B)(i);

O'Loughlin, 920 F.2d at 617. Plaintiff also seeks “an immediate Temporary Restraining Order (TRO) and a Preliminary Injunction to halt ongoing and unlawful actions by his probation officer.” Compl.

1–2, ECF No. 2. A party seeking a preliminary injunction “must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Natural Res. Defense Council, Inc.*, 129 S. Ct. 365, 374 (2008).

The mere possibility of irreparable harm is not enough. Rather, the plaintiff must establish that this harm is likely. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011). The standards for issuing a temporary restraining order are like those required for a preliminary injunction. *Lockheed Missile & Space Co., Inc. v. Hughes Aircraft Co.*, 887 F. Supp. 1320, 1323 (N.D.

Ca. 1995). Plaintiff’s main concern appears to be that his probation officer, Defendant Eric Myrene, believes that Plaintiff is self-employed. Compl. ¶ 16. Plaintiff states he was released from BOP custody in November 2023 and Defendant Myrene was assigned as his probation officer.

In Plaintiff’s view, he is merely the Trustee of a Trust in which he “manage[s] and safeguard[s] the family’s assets... and oversee[s] the estate and ensure[s] its proper administration.” Compl. ¶ 16. 17. In Plaintiff’s view, the trust—i.e., his family’s assets—is “not subject to the jurisdiction of the court. I do not have permission for my family to die, and I do not need permission to receive an inheritance.” Compl. ¶ 16.

18. Based on the Court’s attempts at cobbling together bits and pieces of Plaintiff’s complaint, it appears that Defendant Myrene has a different view and, in fact, may believe that Plaintiff’s actions warrant finding Plaintiff in violation of the terms of his supervised release. Regardless, Plaintiff attempts to bring Bivens claims against Defendants as well as a Federal Tort Claims Act claim for negligence against the United States.

There are several fatal flaws with Plaintiff’s Complaint. First, these are issues Plaintiff must raise to the judge supervising Plaintiff in his criminal case. Instead, Plaintiff attempts to turn garden variety supervision disputes into a new federal civil action. Perhaps more importantly, because Plaintiff’s claims do not fall under the three specific contexts recognized by the United States Supreme Court for Bivens claims, and because the courts are not better suited than Congress to provide a remedy, Plaintiff’s Bivens claims necessarily fail.

Harper v. Nedd, 71 F.4th 1181, 1183 (9th Cir. 2023). As the Ninth Circuit concluded just three years ago, extensions of Bivens beyond the three specific contexts previously recognized “are dead on arrival.” *Id.* at 1187. Plaintiff’s Bivens claims, therefore, necessarily fail. Additionally,

Defendant Myrene is subject to absolute prosecutorial and quasi-judicial immunity for his actions taken during Plaintiff's federal supervision.

See *Harris v. Neal*, 2024 WL 2884618, at *3 (W.D. Wa. 2024) (noting probation officers are entitled to immunity from "claims challenging their conduct performing prosecutorial and other functions necessarily integral to the judicial process"). There is no doubt that a probation officer's role in supervising a defendant on release is integral to the judicial process.

Additionally, Plaintiff's federal supervision is ongoing. It is possible that the disputes at issue here could lead to revocation of Plaintiff's supervision. If so, Plaintiff's claims would be barred by *Heck v. Humphrey*, 512 U.S. 477 (1994) because Plaintiff's success here "would necessarily imply the invalidity of his sentence." See *Martin v. Sias*, 88 F.3d 774, 775 (9th Cir.

1996) (holding *Heck* barred pro se Plaintiff's claims based on actions Plaintiff's federal probation officer took allegedly outside of the probation officer's authority in supervising Plaintiff). Plaintiff's recourse for disputes regarding supervision must be raised in the ongoing supervision proceedings, not here. Plaintiff's FTCA claim fares no better. This claim fails because Plaintiff fails to allege that he exhausted this claim by presenting it to the proper agency and receiving a written denial.

Hirano v. Sand Island Treatment Ctr., 2021 WL 243437, at *9 (D. Hi. 2021). Leave to amend, however, would be futile because the probation officer's alleged negligent actions taken here are discretionary actions made during the duty to supervise that bar any recovery under the FTCA. *Lawrence v. United States*, 340 F.3d 952, 958 (9th Cir. 2003).

The discretionary function exception "shields the government from liability where a permissible exercise of policy judgment is exercised by a government employee." *Id.* It may turn out that Plaintiff's interpretation of the facts is more convincing to the supervising judge than the opinion of those same facts by Defendant Myrene. But even assuming that to be the case, the government is entitled to immunity under the FTCA, despite the fact that Defendant Myrene may turn out to be incorrect as to the legal ramifications of Plaintiff's role as Trustee of the relevant trust.

In short, Plaintiff has other remedies available regarding his concerns over Defendant Myrene's actions taken during his supervision of Plaintiff. Bringing a civil action against the Defendants, however, is not a remedy available to Plaintiff at this time.

Because Plaintiff fails to state a claim, Plaintiff's application for leave to proceed in forma pauperis is DENIED and this case is DISMISSED, with prejudice. Any pending motions are DENIED as moot. IT IS SO ORDERED. DATED this 24th day of February 2026. ____/s/ Michael McShane ____ Michael McShane United States District Judge

