

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Leslie Fletcher v. City of Hildale, Utah, et al.

Fletcher · No. 4:25-cv-00141-AMA-PK · Decided February 4, 2026

SUMMARY

The United States District Court for the District of Utah orders Leslie Fletcher to file an amended complaint curing deficiencies in claims concerning construction and environmental impacts in Maxwell Canyon, Utah. The court addresses the absence of private rights of action under several environmental statutes, inadequate pleading of Clean Water Act and public nuisance claims, improper claims against municipal departments, defendants named only in the caption, and declaratory and injunctive relief pleaded as independent causes of action. The court temporarily grants in forma pauperis status and sets February 27, 2026, as the deadline to amend.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	Paul Kohler
JURISDICTION	United States District Court for the District of Utah
DECIDED	February 4, 2026
DOCKET	4:25-cv-00141-AMA-PK
DISPOSITION	other
PROCEDURAL POSTURE	The district court screened Plaintiff's complaint under the in forma pauperis statute and local rule, identified multiple pleading and claim deficiencies, temporarily granted leave to proceed in forma pauperis, and ordered Plaintiff to file an amended complaint curing the deficiencies before the action could proceed.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915(e)(2)(B), under which an in forma pauperis action may be dismissed at any time if it is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant. The court also applied the pleading standards of Federal Rule of Civil Procedure 8 and the plausibility principles of Bell Atlantic Corp. v. Twombly and Ashcroft v. Iqbal.
PRECEDENTIAL VALUE	unpublished and nonprecedential district court memorandum decision

PARTIES

Leslie Fletcher v. City of Hildale, Utah, et al.

TOPICS

pleadings

civil procedure

clean water act

environmental law

administrative law

PRACTICE AREAS

civil procedure

environmental law

administrative law

municipal law

remedies

QUESTIONS PRESENTED

1. Whether the complaint stated actionable claims under the National Historic Preservation Act, National Environmental Policy Act, Archaeological Resources Protection Act, National Flood Insurance Act, and related regulations despite the absence of an identified private right of action.
2. Whether the complaint adequately pleaded its Clean Water Act and Utah public-nuisance claims under Federal Rule of Civil Procedure 8 and the plausibility standard.
3. Whether claims could proceed against the Hildale Utilities Department and Public Works Department without statutory authority permitting suit against those municipal subdivisions.
4. Whether declaratory and injunctive relief were properly pleaded as independent causes of action rather than requested remedies.
5. Whether Plaintiff should be permitted to amend the complaint to cure the identified deficiencies before further screening or service.

HOLDINGS

1. Claims asserted directly under NEPA, NHPA, ARPA, NFIA, NFIP, and supporting regulations could not proceed as independent causes of action where those provisions did not provide a private right of action; Plaintiff could instead rely on relevant provisions in support of an APA claim.
2. The complaint was insufficient under Federal Rule of Civil Procedure 8 because it did not provide sufficient factual allegations identifying the defendants' conduct, when it occurred, how it harmed Plaintiff, and what legal right was violated.
3. The Clean Water Act claim was inadequately pleaded because the allegation that Maxwell Creek was a water of the United States was conclusory and the complaint did not show compliance with the Act's citizen-suit notice requirement.
4. The public-nuisance claim was inadequately pleaded because the alleged interference with cultural resources, hydrologic systems, canyon stability, and aesthetic, environmental, and historical interests did not clearly fall within Utah's statutory definition of public nuisance without further factual development.
5. Claims against the Hildale Utilities Department and Public Works Department should be removed because Utah law did not provide statutory authority permitting lawsuits against those municipal subdivisions.

6. Declaratory and injunctive relief are remedies rather than independent causes of action and should not be pleaded as separate claims, although Plaintiff may continue to request those remedies in the prayer for relief.

KEY QUOTATIONS

“For the reasons discussed below, the Court orders Plaintiff to file an amended complaint to cure deficiencies before further pursuing his claims.” (at 1)

“Neither NEPA nor NHPA provide a private right of action.” (at 2)

“A pleading that states a claim for relief must contain: (1) a short and plain statement of the grounds for the court’s jurisdiction . . . ; (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought.” (at 3)

“Similarly, a request for injunctive relief is a remedy, not an independent claim.” (at 6)

“The Amended Complaint MAY NOT include claims outside or beyond what was already contained in the complaint originally filed here.” (at 6)

FACTUAL BACKGROUND

Plaintiff alleged that construction work in Maxwell Canyon, Hildale, Utah, caused or threatened ground disturbance, trenching, grading, hydrological modification, cultural-site destruction, and agricultural damage. He alleged a personal and property interest in the area based on his family history and adjacent land ownership. The complaint asserted claims under various environmental statutes, the Administrative Procedure Act, Utah public-nuisance law, and requests for declaratory and injunctive relief against the City of Hildale, city departments, and governmental officials.

PROCEDURAL HISTORY

Plaintiff filed a complaint seeking declaratory and injunctive relief concerning construction activity in Maxwell Canyon, Utah, and moved for leave to proceed in forma pauperis. The court conducted screening under 28 U.S.C. § 1915 and DUCivR 3-2, concluded that several asserted causes of action lacked private rights of action or were inadequately pleaded, and ordered a single amended complaint to be filed by February 27, 2026. The court warned that failure to cure could result in dismissal without further notice.

DISPOSITION

other

CASES CITED

- *Buchheit v. Green*, 705 F.3d 1157, 1160 (10th Cir. 2013)
- *Dine Citizens Against Ruining Our Env’t v. Bernhardt*, 923 F.3d 831, 839 (10th Cir. 2019)
- *Cheavens v. Pub. Serv. Corp. of Colo.*, 176 F. Supp. 3d 1088, 1094 (D. Colo. 2016)
- *United States v. St. Bernard Parish*, 756 F.2d 1116, 1122-23 (5th Cir. 1985)

- *Nasious v. Two Unknown B.I.C.E. Agents*, 492 F.3d 1158, 1163 (10th Cir. 2007)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Monument Builders of Greater Kan. City, Inc. v. Am. Cemetery Ass'n of Kan.*, 891 F.2d 1473, 1480 (10th Cir. 1989)
- *Karr v. Hefner*, 475 F.3d 1192, 1200 (10th Cir. 2007)
- *White v. Utah*, 5 F. App'x 852, 853 (10th Cir. 2001)
- *Nero v. Oklahoma*, No. 22-6121, 2022 WL 14423872, at *2 (10th Cir. Oct. 25, 2022)
- *Romstad v. City of Colo. Springs*, 650 F. App'x 576, 585 n.7 (10th Cir. 2016)

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