

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

Zachary E. Love v. Kootenai County, Stanley Mortenson, Chelsey A. Torgerson, Josh Boyd, Bob Norris, and the United States of America

Love · No. 2:25-cv-00555-AKB · Decided June 26, 2026

SUMMARY

The United States District Court for the District of Idaho denied Zachary E. Love’s motion to remand and granted motions to dismiss for insufficient service of process filed by Kootenai County and Josh Boyd. The court held that federal jurisdiction existed based on the Fourth Amendment claim and the Westfall Act certification, but dismissed claims against Boyd and the United States without prejudice for inadequate service. The court declined supplemental jurisdiction over the remaining state-law claims and dismissed them without prejudice.

CASE DETAILS

COURT	United States District Court for the District of Idaho
WRITING FOR THE COURT	Amanda K. Brailsford
JURISDICTION	United States District Court for the District of Idaho
DECIDED	June 26, 2026
DOCKET	2:25-cv-00555-AKB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to remand a removed state-court action. The defendants moved to dismiss for insufficient service of process, and the United States moved to dismiss for lack of jurisdiction and insufficient service. The court denied remand, granted the service-of-process motions, declined supplemental jurisdiction over the remaining state-law claims, and denied the remaining motions as moot.
STANDARD OF REVIEW	The court reviewed whether removal jurisdiction existed, whether service complied with the applicable Idaho Rules of Civil Procedure, and whether to exercise supplemental jurisdiction under 28 U.S.C. § 1367(c)(3).
PRECEDENTIAL VALUE	unknown

PARTIES

Zachary E. Love v. Kootenai County, Stanley Mortenson, Chelsey A. Torgerson, Josh Boyd, Bob Norris, The United States of America

TOPICS

service of process

motions to dismiss

subject matter jurisdiction

civil procedure

fourteenth amendment

PRACTICE AREAS

civil procedure

constitutional law

civil rights

federal jurisdiction

service of process

QUESTIONS PRESENTED

1. Whether the action was properly removable and whether the court had federal-question jurisdiction despite Love's contention that his unreasonable-search-and-seizure claim was based only on the Idaho Constitution.
2. Whether the Attorney General's Westfall Act certification conclusively established a federal forum for removal, even if the certification's underlying validity remained subject to judicial review for substitution purposes.
3. Whether service by certified mail complied with Idaho law and whether the defendants waived their Rule 12(b)(5) defenses by removing or consenting to removal.
4. Whether the court should decline supplemental jurisdiction over the remaining state-law claims after dismissing all claims within its original jurisdiction.

HOLDINGS

1. The case was properly removable and remand was unwarranted because the complaint on its face asserted a Fourth Amendment claim and, independently, the United States' Westfall Act certification established a federal forum for removal.
2. Removal and consent to removal did not waive the defendants' right to assert insufficient service of process under Rule 12(b)(5).
3. Service by certified mail was inadequate under Idaho law, and Love failed to establish proper service on Boyd or Kootenai County; therefore, the court dismissed the claims against Boyd, Kootenai County, and Norris for insufficient service of process.
4. The court declined to exercise supplemental jurisdiction over the remaining state-law claims after dismissing all claims within its original jurisdiction.

KEY QUOTATIONS

"For purposes of establishing a forum to adjudicate the case, however, § 2679(d)(2) renders the Attorney General's certification dispositive." (III.A)

"Under Idaho law, service of process by certified mail is not adequate." (II.B)

“The period of limitations for Plaintiffs’ state law claims is tolled for thirty days after their dismissal under 28 U.S.C. § 1367(d), unless state law provides for a longer tolling period.” (IV.4)

FACTUAL BACKGROUND

Love was a passenger during a February 9, 2024 traffic stop within Coeur d'Alene tribal boundaries involving Josh Boyd, a Coeur d'Alene Tribal Police officer who was cross-deputized with Kootenai County. After an altercation, Love was charged with four offenses, three of which were later dropped. Love filed claims arising from the incident and ensuing legal process, attempting service primarily by certified mail and later personally serving some defendants but not Boyd or Kootenai County's designated clerk. The United States later certified that Boyd acted within the scope of federal employment and substituted itself for Boyd on certain tort claims.

PROCEDURAL HISTORY

Love filed state-law and constitutional claims in the Idaho District Court for Kootenai County. Kootenai County defendants removed the action based on federal-question jurisdiction, and Boyd consented to removal. After removal, the United States substituted for Boyd under the Westfall Act following a scope-of-employment certification. The federal court denied remand, dismissed claims against Kootenai County, Norris, Boyd, and the United States without prejudice for insufficient service, and dismissed the remaining state-law claims without prejudice under 28 U.S.C. § 1367(c)(3).

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The remaining state-law claims were dismissed without prejudice, with the limitations period tolled for thirty days after dismissal under 28 U.S.C. § 1367(d), unless state law provides a longer tolling period.

CASES CITED

- Westfall v. Erwin, 484 U.S. 292 (1988)
- De Martinez v. Lamagno, 515 U.S. 417, 419 (1995)
- Osborn v. Haley, 549 U.S. 225, 241-42 (2007)
- Bernhardt v. Los Angeles County, 339 F.3d 920, 925 (9th Cir. 2003)
- Anderton v. Avery Financial Services, 2011 WL 4584979, at *1, *6 (D. Idaho Aug. 23, 2011)
- Even v. Hebel, No. 24-3726, 2025 WL 1409483, at *2 (9th Cir. May 15, 2025)
- General Investment Co. v. Lake Shore & Michigan Southern Railway Co., 260 U.S. 261, 268-69 (1922)
- Carnegie-Mellon University v. Cohill, 484 U.S. 343, 350 (1988)
- City of Chicago v. International College of Surgeons, 522 U.S. 156, 172-73 (1997)
- Royal Canin U.S.A., Inc. v. Wulfschleger, 604 U.S. 22 (2025)

