

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Scott Martin Jr. v. Washoe County Sheriff's Office, et al.

Martin · No. 3:25-cv-00361-ART-CLB · Decided January 13, 2026

SUMMARY

The United States District Court for the District of Nevada adopts the magistrate judge’s Report and Recommendation and dismisses Scott Martin Jr.’s second amended 42 U.S.C. § 1983 complaint. Claims against the Reno Police Department and Washoe County Sheriff’s Office are dismissed without prejudice and without leave to amend, while claims against the Washoe County District Attorney’s Office are dismissed with prejudice; the case is closed.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                              |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Nevada                                                                                                                                                                                                                                                                      |
| WRITING FOR THE COURT | Anne R. Traum                                                                                                                                                                                                                                                                                                                |
| JURISDICTION          | United States District Court for the District of Nevada                                                                                                                                                                                                                                                                      |
| DECIDED               | January 13, 2026                                                                                                                                                                                                                                                                                                             |
| DOCKET                | 3:25-cv-00361-ART-CLB                                                                                                                                                                                                                                                                                                        |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | Order adopting a magistrate judge's report and recommendation and dismissing a pro se second amended complaint asserting claims under 42 U.S.C. § 1983.                                                                                                                                                                      |
| STANDARD OF REVIEW    | Under 28 U.S.C. § 636(b)(1), timely objections to a magistrate judge's report and recommendation receive de novo review; issues not objected to need not be reviewed. Because Martin filed no objection and his objection period expired, the court adopted the report and recommendation without conducting further review. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                                                                                              |

TOPICS

- section 1983
- civil rights
- government liability
- pleadings
- civil procedure

PRACTICE AREAS

- civil rights
- constitutional law
- civil procedure

## QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's report and recommendation when the plaintiff filed no objection.
2. Whether the second amended complaint adequately pleaded § 1983 claims for Monell municipal liability, false arrest, and cruel and unusual punishment against the named defendants.
3. Whether claims against the Washoe County District Attorney's Office were barred by absolute prosecutorial immunity.
4. Whether dismissal should be with prejudice or without leave to amend after the plaintiff repeatedly failed to cure deficiencies identified by the court.

## HOLDINGS

1. When a party does not timely object to a magistrate judge's report and recommendation, the district court is not required to conduct review of issues not subject to objection and may adopt the recommendation.
2. The second amended complaint failed to state essential elements of claims for Monell liability, false arrest, and cruel and unusual punishment against the named governmental defendants, warranting dismissal.
3. The claims against the Washoe County District Attorney's Office were dismissed with prejudice because prosecutorial functions are protected by absolute immunity.
4. Dismissal without leave to amend was appropriate as to the Reno Police Department and Washoe County Sheriff's Office after repeated failure to cure deficiencies identified by the court.

## KEY QUOTATIONS

*“It is therefore ordered that the Second Amended Complaint (ECF No. 12), as to Defendants Reno Police Department and Washoe County Sheriff's Office be DISMISSED without prejudice and without leave to amend.” (at 3)*

*“It is further ordered that the Second Amended Complaint (ECF No. 12) as to Defendant Washoe County District Attorney's Office be DISMISSED with prejudice.” (at 3)*

## FACTUAL BACKGROUND

Martin alleged that he was falsely arrested and imprisoned and subjected to cruel and unusual punishment following an arrest for battery on a pregnant person sometime between 2022 and 2023. He sued the Washoe County Sheriff's Office, Washoe County District Attorney's Office, Second Judicial Courthouse, and Reno Police Department under 42 U.S.C. § 1983. The court found that his second amended complaint continued to repeat previously identified pleading deficiencies concerning Monell liability and his false-arrest and punishment claims.

## PROCEDURAL HISTORY

Martin filed an in forma pauperis civil-rights action against the Washoe County Sheriff's Office, the Washoe County District Attorney's Office, and the Reno Police Department. The court screened the original complaint

and dismissed it without prejudice with leave to amend for failing to adequately plead Monell liability, false arrest, and false imprisonment. After the first amended complaint repeated the deficiencies, the court again recommended dismissal with leave to amend. Martin then filed a second amended complaint, to which he filed no objection; Magistrate Judge Carla L. Baldwin recommended dismissal, and the district court adopted the recommendation in full.

**DISPOSITION**

dismissed

**CASES CITED**

- Thomas v. Arn, 474 U.S. 140, 149 (1985)

**OPINION**

Martin  
PER CURIAM.

1 2

3 UNITED STATES DISTRICT COURT

4 DISTRICT OF NEVADA

5 SCOTT MARTIN JR., Case No. 3:25-cv-00361-ART-CLB 6 Plaintiff, ORDER ADOPTING  
REPORT AND

7 v. RECOMMENDATION (ECF No. 14)

8 WASHOE COUNTY SHERIFF’S

OFFICE, et al., 9 Defendants. 10 11 Plaintiff Scott Martin Jr. brings this action to proceed under  
42 U.S.C. § 12 1983 against Defendants Washoe County Sheriff’s Office (“WSCO”), Washoe 13  
County District Attorney’s Office, Second Judicial Courthouse, and Reno Police 14 Department  
15 (“RPD”), (collectively, “Defendants”) for false arrest, false 15 imprisonment, and cruel and  
unusual punishment after an arrest for battery on 16 a pregnant person that occurred sometime  
between 2022 and 2023. (ECF No. 17 12.) 18 Before the Court is Mr. Martin’s second amended  
pro se civil rights 19 complaint (ECF No. 12). Magistrate Judge Carla L. Baldwin issued a Report  
and 20 Recommendation (“R&R”) recommending Mr. Martin’s complaint be dismissed. 21 (ECF  
No. 14.) 22 For the foregoing reasons, the Court adopts the magistrate judge’s R&R.

23 I. BACKGROUND

24 The Court adopts the background described by the magistrate judge. On  
25 July 16, 2025, proceeding in forma pauperis and pro se, Plaintiff Orlando Scott  
26 Martin, Jr. (“Martin”) initiated this action against Defendants Washoe County 27 Sheriff’s  
Office (“WCSO”), Washoe County District Attorney’s Office (“WCDA”), and 28 the Reno Police  
Department (“RPD”) (collectively referred to as “Defendants”) for 1 alleged civil rights violations  
pursuant to 42 U.S.C. § 1983. (ECF No. 1-1.) This 2 Court screened the complaint, (ECF Nos. 7,

8), and dismissed Mr. Martin's claims 3 without prejudice and with leave to amend because Mr. Martin failed to properly 4 allege Monell liability against WCSO and RPD, and failed to properly assert claims 5 for false arrest and false imprisonment. Mr. Martin was expressly put on notice 6 of the deficiencies of his complaint and given the opportunity to amend his 7 complaint to properly assert his claims. 8 Mr. Martin filed a first amended pro se civil rights complaint that suffered 9 from the same deficiencies as his original complaint. (ECF No. 10.) The Court 10 therefore recommended, again, that Martin's complaint be dismissed with leave 11 to amend to correct the deficiencies now twice identified by the Court. (ECF No. 12 11.) Before the Court ruled on the recommendation, Mr. Martin filed a second 13 amended pro se civil rights complaint (ECF No. 12.) The magistrate judge 14 withdrew her previous recommendation (ECF No. 13) so Mr. Martin's second 15 amended complaint could be screened.

## 16 II. LEGAL STANDARD

17 Under the Federal Magistrates Act, a court "may accept, reject, or modify, 18 in whole or in part, the findings or recommendations made by [a] magistrate 19 judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's 20 report and recommendation, then the court is required to "make a de 21 novo determination of those portions of the [report and recommendation] to which 22 objection is made." 28 U.S.C. § 636(b)(1). A court is not required to conduct "any 23 review at all . . . of any issue that is not the subject of an objection." *Thomas v. 24 Arn*, 474 U.S. 140, 149 (1985). 25 Plaintiff has not filed an objection to the magistrate judge's R&R and his 26 time to do so has now expired. (ECF No. 14.)

## 27 III. ANALYSIS

28 The magistrate judge recommends dismissal of Mr. Martin's complaint 1 || because he again fails to state essential elements of his claim for Monell liability, 2 || false arrest, and cruel and unusual punishment against each of the named 3 || Defendants. (ECF No. 14.) Additionally, it appears that Mr. Martin is attempting 4 || to sue the district attorney assigned to his case by naming the Washoe County 5 || District Attorney's Office, who enjoys absolute immunity for prosecutorial 6 || functions. (Id.) Finally, the magistrate judge recommends dismissal with 7 || prejudice because the Court has twice advised Mr. Martin of what he needs to 8 || allege in his complaint, and he continues to reassert the same allegations that 9 || were found to be insufficient. ([d.]) The Court agrees with the magistrate judge's 10 || reasoning and adopts her R&R in full.

## 11 IV. CONCLUSION

12 It is therefore ordered that the Second Amended Complaint (ECF No. 12), 13 || as to Defendants Reno Police Department and Washoe County Sheriff's Office be 14 || DISMISSED without prejudice and without leave to amend. 15 It is further ordered that the Second Amended Complaint (ECF No. 12) as 16 || to Defendant Washoe County District Attorney's Office be DISMISSED with 17 || prejudice. 18 It is further kindly ordered that the Clerk enter judgement and CLOSE this 19 || case. 20 21 Dated this 13 day of January, 2026. 22 23 Ans flosead Jer

24 ANNE R. TRAUM

25 UNITED STATES DISTRICT JUDGE

26 27 28

---

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-district-of-nevada-united-states-district-court-for-the-district/2026/scott-martin-jr-v-washoe-county-sheriff-s-office-et-al-g99hx080>