

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.

OPINION

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 ("WCSO"), Washoe 13 County District
Attorney's Office, Second Judicial Courthouse, and Reno Police 14 Department ("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. (*Id.*)

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 floread Jer 24 ANNE R. TRAUM 25 UNITED
STATES DISTRICT JUDGE 26 27 28

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