

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA,
MISSOULA DIVISION

Michael Ross v. North Lake County Public Library and Abbi Dooley

Ross · No. CV 25-121-M-KLD · Decided March 3, 2026

SUMMARY

The court grants Michael Ross leave to proceed in forma pauperis and permits his Title II Americans with Disabilities Act claims against the North Lake County Public Library and its director to proceed past statutory screening. The court finds that the allegations concerning Ross’s blindness, denial of library access and services, and alleged failure to provide accommodations are sufficient at this stage, including for potential monetary relief. The court denies Ross’s motion for summary judgment without prejudice as premature and directs service of the complaint.

CASE DETAILS

COURT	United States District Court for the District of Montana, Missoula Division
WRITING FOR THE COURT	Kathleen L. DeSoto
JURISDICTION	United States District Court for the District of Montana, Missoula Division
DECIDED	March 3, 2026
DOCKET	CV 25-121-M-KLD
DISPOSITION	other
PROCEDURAL POSTURE	A pro se plaintiff proceeding in forma pauperis filed an ADA and Fourteenth Amendment complaint against a public library and its director. The court screened the complaint under 28 U.S.C. § 1915(e)(2), determined that the complaint stated a plausible Title II ADA claim, granted leave to proceed in forma pauperis, and denied the plaintiff's premature motion for summary judgment without prejudice.
STANDARD OF REVIEW	For screening under 28 U.S.C. § 1915(e)(2), the court applied the Rule 12(b)(6) standard, accepting well-pleaded factual allegations as true and construing the pro se complaint liberally. The court also considered documents attached to and incorporated by reference in the complaint. A motion for summary judgment was evaluated as premature because it was filed before adequate time for discovery and before defendants appeared.

TOPICS

motions to dismiss

summary judgment

service of process

ada / disability

civil rights

PRACTICE AREAS

Civil procedure

Civil rights

Americans with Disabilities Act

QUESTIONS PRESENTED

1. Whether Ross's complaint stated a plausible Title II ADA claim sufficient to survive screening under 28 U.S.C. § 1915(e)(2).
2. Whether the complaint alleged sufficient facts to support a claim for monetary damages under Title II of the ADA.
3. Whether Ross's motion for summary judgment was premature because it was filed before defendants appeared and before discovery.
4. Whether Ross was entitled to proceed in forma pauperis and receive service by the United States Marshal.

HOLDINGS

1. The complaint stated a plausible Title II ADA claim and was not subject to dismissal at the screening stage.
2. At the screening stage, the complaint adequately alleged facts from which deliberate indifference and entitlement to seek monetary relief under Title II could reasonably be inferred.
3. The motion for summary judgment was denied without prejudice as premature.
4. Ross's application to proceed in forma pauperis was granted and the filing fee was waived.

KEY QUOTATIONS

“To state a claim under Title II, a plaintiff must allege: “(1) he is a qualified individual with a disability; (2) he was either excluded from participation in or denied benefits of a public entity's services, programs, or activities, or were otherwise discriminated against by the public entity; and (3) such exclusion, denial of benefits, or discrimination was by reason of his disability.””

“To do so, a plaintiff must meet the “deliberate indifference standard”, requiring “both knowledge that a harm to a federally protected right is substantially likely, and a failure to act upon that the likelihood.””

“A pro se plaintiff must be given leave to amend unless it is “absolutely clear that the deficiencies of the complaint cannot be cured by amendment.””

FACTUAL BACKGROUND

Ross, who is blind, alleged that the North Lake County Public Library denied him access and services and refused to assist him with tasks including downloading an application, writing letters, and completing forms. After several visits, library staff told him that future assistance would require an appointment because staffing limitations made it difficult to assist him while covering the front desk. The library director subsequently issued a notice banning Ross from the library district, citing loud, abrasive, or insulting language and harassment. Ross alleged that the denial of access and services violated Title II of the ADA and the Fourteenth Amendment and sought monetary and punitive damages.

PROCEDURAL HISTORY

Ross filed an application to proceed in forma pauperis and a complaint on August 4, 2025. While screening and the in forma pauperis application were pending, Ross filed a motion for summary judgment before defendants appeared or discovery began. The court granted in forma pauperis status, allowed the complaint to proceed, denied summary judgment without prejudice as premature, and directed service of the complaint and related documents.

DISPOSITION

other

CASES CITED

- *Zixiang Li v. Kerry*, 710 F.3d 995, 999 (9th Cir. 2013)
- *Mendiondo v. Centinela Hospital Medical Center*, 521 F.3d 1097, 1104 (9th Cir. 2008)
- *Wilhelm v. Rotman*, 680 F.3d 1113, 1121 (9th Cir. 2012)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 677–78 (2009)
- *States v. Ritchie*, 342 F.3d 903, 908 (9th Cir. 2003)
- *Akhtar v. Mesa*, 698 F.3d 1202, 1212 (9th Cir. 2012)
- *Pena v. Gardner*, 976 F.2d 469, 471 (9th Cir. 1992)
- *Weilburg v. Shapiro*, 488 F.3d 1202, 1205 (9th Cir. 2007)
- *Chaset v. Fleer/Skybox International*, 300 F.3d 1083, 1088 (9th Cir. 2002)
- *Klamath-Lake Pharmaceutical Association v. Klamath Medical Service Bureau*, 701 F.2d 1276, 1293 (9th Cir. 1983)
- *Payan v. Los Angeles Community College District*, 11 F.4th 729, 737–38 (9th Cir. 2021)
- *Duvall v. County of Kitsap*, 260 F.3d 1124, 1135, 1139–40 (9th Cir. 2001), as amended on denial of rehearing (Oct. 11, 2001)
- *Oliver v. Placer County Superior Court*, 2021 WL 663755, at *1 (E.D. Cal. Feb. 19, 2021)
- *Erakat v. Department of Treasury*, 2024 WL 2786784, at *1 (E.D. Cal. May 30, 2024)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986)