

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

**Stephen P. Stubbs v. Clearwater County, a political subdivision;
Chris Goetz, in his official capacity as Clearwater County Sheriff;
and John Does I-X**

Stubbs · No. 3:22-cv-00230-BLW · Decided May 5, 2026

SUMMARY

The United States District Court for the District of Idaho granted Clearwater County’s motion for reconsideration and motion for summary judgment in a § 1983 action concerning a sheriff’s Facebook activity. Applying *Lindke v. Freed*, the court held that the sheriff’s disclaimer created a heavy presumption that his social-media activity was private and that the plaintiff had not shown state action sufficient to support a Monell claim. The court also dismissed the claims against the unidentified John Doe defendants.

CASE DETAILS

COURT	United States District Court for the District of Idaho
WRITING FOR THE COURT	B. Lynn Winmill
JURISDICTION	United States District Court for the District of Idaho
DECIDED	May 5, 2026
DOCKET	3:22-cv-00230-BLW
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Clearwater County moved for reconsideration of the court's interlocutory denial of the County's motion for summary judgment. The court reconsidered its prior ruling based on an intervening change in controlling law and granted summary judgment for the County, while dismissing the claims against the John Doe defendants.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 54(b), an interlocutory order may be revised before entry of final judgment. Reconsideration is generally limited to newly discovered evidence, clear error or manifest injustice, or an intervening change in controlling law. Summary judgment is appropriate when there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law under Federal Rule of Civil Procedure 56(a).

TOPICS

section 1983

municipal liability

state action

summary judgment

motion for reconsideration

PRACTICE AREAS

constitutional civil rights

municipal liability

federal civil procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court's decision in *Lindke v. Freed* constituted an intervening change in controlling law warranting reconsideration of the court's prior interlocutory denial of Clearwater County's motion for summary judgment.
2. Whether, under *Lindke*, Sheriff Goetz's Facebook activity constituted state action when the page contained a disclaimer identifying it as personal and nonofficial, and the post concerned information about a police-involved shooting that had already been sent to the media.
3. Whether Stubbs could establish the constitutional-violation element necessary to maintain a Monell municipal-liability claim against Clearwater County.
4. Whether the claims against the unidentified John Doe defendants should be dismissed because Stubbs had not identified or substituted those defendants.

HOLDINGS

1. *Lindke v. Freed* constituted an intervening change in controlling law because the court's prior application of the nexus test from *Garnier* was irreconcilable with *Lindke*'s framework for determining when a public official's social-media activity constitutes state action.
2. Sheriff Goetz's Facebook activity was private conduct, not state action, because the page's disclaimer created a heavy presumption of personal activity and Stubbs's evidence did not rebut that presumption.
3. Clearwater County was entitled to summary judgment because, absent state action and an underlying constitutional violation, Stubbs could not establish the constitutional-violation element of his municipal-liability claim.
4. The claims against John Does I-X were dismissed because Stubbs had not amended the complaint to identify the anonymous defendants despite having more than three years to do so.

KEY QUOTATIONS

"In Lindke, though, the Supreme Court stated that whether a public official's social media activity constitutes state action depends on if that "official (1) possessed actual authority to speak on the State's behalf, and (2) purported to exercise that authority when he spoke on social media." (Analysis § A)

"Under Lindke, this disclaimer carries a heavy presumption that Sheriff Goetz's activity on that page did not constitute state action." (Analysis § B)

“Without state action, Stubbs cannot succeed in showing that Sheriff Goetz violated his constitutional rights, as required for a successful municipal liability claim.” (Analysis § B)

FACTUAL BACKGROUND

Clearwater County Sheriff Chris Goetz maintained a Facebook page created during his campaign and retained after his election. The page identified him as Sheriff Goetz, labeled itself a politician page, and stated that it was not the official page of the County or Sheriff's Office and was intended to communicate his thoughts to county residents. After a fatal officer-involved shooting, Goetz posted information about the incident that he said had been sent to the media. Stubbs, an attorney for the shooting victim's family, commented that the post was "bologna"; Goetz removed the comment, restricted other users' ability to comment, and blocked Stubbs from the page.

PROCEDURAL HISTORY

Stubbs filed a 42 U.S.C. § 1983 action alleging that Sheriff Chris Goetz's Facebook activity violated his First and Fourteenth Amendment rights and asserting municipal liability against Clearwater County. The court previously granted summary judgment to Goetz in his individual capacity on qualified-immunity grounds but denied the County's motion for summary judgment on the Monell claim. After the Supreme Court decided *Lindke v. Freed* and vacated *Garnier v. O'Connor-Ratcliff*, the County sought reconsideration. The court held that *Lindke* was an intervening change in controlling law, granted reconsideration, entered summary judgment for the County, and dismissed the claims against the unidentified John Doe defendants.

DISPOSITION

other

CASES CITED

- *Monell v. Department of Social Services of City of New York*, 436 U.S. 658, 690 (1978)
- *Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980)
- *Lazaro v. Oregon Department of Corrections*, 2021 WL 5138184, at *1 n.2 (D. Or. Sept. 14, 2021)
- *O'Connor-Ratcliff v. Garnier*, 601 U.S. 205, 208 (2024)
- *Lindke v. Freed*, 601 U.S. 187 (2024)
- *Lockett v. Cnty. of Los Angeles*, 977 F.3d 737, 741 (9th Cir. 2020)
- *Prager Univ. v. Google LLC*, 951 F.3d 991, 996 (9th Cir. 2020)
- *City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 885 (9th Cir. 2001)
- *Quaker Alloy Casting Co. v. Gulfco Indus., Inc.*, 123 F.R.D. 282, 288 (N.D. Ill. 1988)
- *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993)
- *Miller v. Grammie*, 335 F.3d 889, 893 (9th Cir. 2003)
- *Sanchez v. Mayorkas*, 593 U.S. 409 (2021)
- *Teamsters Local 617 Pension and Welfare Funds v. Apollo Group, Inc.*, 282 F.R.D. 216, 222-24 (D. Ariz. Mar. 30, 2012)

- United States v. Westlands Water Dist., 134 F. Supp. 2d 1111, 1131 (E.D. Cal. 2001)
- Fahmy v. Hogge, 2008 WL 4614322 (C.D. Cal. 2008)
- Garnier v. O'Connor-Ratcliff, 41 F.4th 1158, 1169-70 (9th Cir. 2022)
- Gordon v. Cty. of Orange, 6 F.4th 961, 973 (9th Cir. 2021)
- Addisu v. Fred Meyer, Inc., 198 F.3d 1130, 1134 (9th Cir. 2000)
- Hanson v. Shubert, 968 F.3d 1014, 1017 (9th Cir. 2020)

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