

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Ricky Schuh and Christopher Lewis v. Burleigh County North
Dakota, et al.

Schuh v. Burleigh County North Dakota · No. 2:25-cv-1267-RAJ · Decided January 30, 2026

SUMMARY

The United States District Court for the Western District of Washington clarifies that its prior dismissal of Plaintiffs’ Amended Complaint was improperly based on 28 U.S.C. § 1915(e)(2)(B) because Plaintiffs had paid the filing fee. The Court nevertheless concludes that the alleged defects concerning personal jurisdiction and venue remain, and that other allegations may fail to state a plausible claim. Plaintiffs are ordered to show cause by February 10, 2026, why the action should not be dismissed.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Richard A. Jones
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	January 30, 2026
DOCKET	2:25-cv-1267-RAJ
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued a sua sponte order requiring plaintiffs to show cause why the action should not be dismissed after reviewing their Second Amended Complaint.
STANDARD OF REVIEW	The court reviewed the pleadings sua sponte for facial deficiencies in personal jurisdiction, venue, and plausibility.
PRECEDENTIAL VALUE	Unknown
PARTIES	Ricky Schuh, Christopher Lewis v. Burleigh County North Dakota, et al.

TOPICS

- personal jurisdiction
- venue
- pleadings
- civil procedure
- section 1983

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court's prior dismissal under 28 U.S.C. § 1915(e)(2)(B) was proper when plaintiffs had paid the filing fee and were not proceeding in forma pauperis.
2. Whether a federal district court may sua sponte consider personal jurisdiction and venue outside the in forma pauperis screening context.
3. Whether the allegations in the Second Amended Complaint appeared to state a plausible claim and establish a basis for personal jurisdiction and venue in the Western District of Washington.

HOLDINGS

1. Because plaintiffs had paid the filing fee, they were not proceeding in forma pauperis, and 28 U.S.C. § 1915(e)(2)(B) was not an appropriate basis for dismissing the Amended Complaint.
2. Although district courts generally do not raise personal-jurisdiction and venue issues sua sponte, such review may be appropriate in rare cases when the defects are plainly apparent from the face of the complaint.

KEY QUOTATIONS

“Nevertheless, the result of the Court’s October 23, 2025 order remains the same.” (at 1)

“Accordingly, the Court orders Plaintiffs to show cause why this case should not be dismissed for those reasons.” (at 2)

FACTUAL BACKGROUND

Plaintiffs alleged that they were victims of a broad conspiracy and surveillance campaign involving warrantless tracking, cell-site-simulator surveillance, Pegasus-type spyware, and intrusions into email and cloud accounts. They also alleged that officers of the Vanderburgh County Sheriff's Department in Indiana unlawfully arrested one plaintiff and used excessive force. The court concluded that the first category of allegations appeared not to state a plausible claim and that the second category appeared to be subject to the same personal-jurisdiction and venue defects identified in the court's earlier order.

PROCEDURAL HISTORY

Plaintiffs initially moved to proceed in forma pauperis and for U.S. Marshal service. The court granted in forma pauperis status and dismissed the Amended Complaint on October 23, 2025, for lack of personal jurisdiction and improper venue under 28 U.S.C. § 1915(e)(2)(B), with leave to amend. The court later learned that plaintiffs had paid the filing fee and therefore were not proceeding in forma pauperis, making § 1915(e)(2)(B) an inappropriate dismissal basis. Plaintiffs filed a Second Amended Complaint, and the court ordered them to show cause why the case should not nevertheless be dismissed because the conspiracy allegations appeared implausible and the arrest and excessive-force allegations suffered from personal-jurisdiction and venue defects.

DISPOSITION

other

CASES CITED

- Wood v. Santa Barbara Chamber of Commerce, Inc., 705 F.2d 1515, 1518, 1522 (9th Cir. 1983)
- Shoaga v. Blossada, No. 05-cv-2213, 2006 WL 6929450, at *8 (N.D. Cal. Jan. 24, 2006)
- Zhu v. Whinery, 109 Fed. App'x 137, 138 (9th Cir. 2004)

OPINION

Lewis

PER CURIAM.

HONORABLE RICHARD A. JONES

1 2 3 4 5 6

7 UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

8 AT SEATTLE

9 RICKY SCHUH and Case No. 2:25-cv-1267-RAJ

CHRISTOPHER LEWIS,

10 ORDER TO SHOW CAUSE

Plaintiffs, 11 v. 12

BURLEIGH COUNTY NORTH

13 DAKOTA, et al., 14 Defendants. 15 THIS MATTER comes before the Court sua sponte. 16 The Court begins with a clarification of its prior October 23, 2025 order, which 17 dismissed Plaintiffs' Amended Complaint for lack of personal jurisdiction and venue 18 pursuant to 28 U.S.C. § 1915(e)(2)(B), with leave to amend. Dkt. # 22. Near the 19 beginning of this case, Plaintiffs filed a motion titled "Motion to Proceed in Forma 20 Pauperis and for U.S. Marshal Service of Process." Dkt. # 8. In it, Plaintiffs asked the 21 Court "for an order granting leave to proceed in forma pauperis pursuant to 28 U.S.C. § 22 1915" Id. at 1. In its October 23, 2025 order, the Court granted Plaintiffs' request. 23 Dkt. # 22. It then proceeded to review and dismiss Plaintiffs' Amended Complaint 24 pursuant to 28 U.S.C. § 1915(e)(2)(B), a statute that allows district courts to screen 25 complaints in in forma pauperis cases. 26 1 It has since come to the Court's attention that Plaintiffs did in fact pay the filing 2 fee at the initiation of this case. Thus, despite Plaintiffs' prior motion and the Court's 3 order, Plaintiffs are not proceeding in forma pauperis. Accordingly, 28 U.S.C. § 4 1915(e)(2)(B) was not an appropriate basis for dismissal of the Amended Complaint. 5 Nevertheless, the result of the Court's October 23, 2025 order remains the same. 6 Although district courts generally do not raise issues of personal jurisdiction and venue 7 sua sponte, such analysis may be appropriate on rare occasions even outside the § 1915 8 context. See Wood v. Santa Barbara Chamber of Commerce, Inc., 705 F.2d 1515, 1518, 9 1522

(9th Cir. 1983) (affirming district court’s sua sponte dismissal of defendants for lack of personal jurisdiction); *Shoaga v. Blosada*, No. 05-cv-2213, 2006 WL 6929450, 11 at *8 (N.D. Cal. Jan. 24, 2006) (finding that raising question of personal jurisdiction “sua sponte is necessary and appropriate when the allegations in a complaint do not establish a basis for the court’s exercise of personal jurisdiction”); *Zhu v. Whinery*, 109 Fed. App’x 14 137, 138 (9th Cir. 2004) (“We have held that a district court may dismiss a complaint sua sponte for improper venue.”). Here, the Amended Complaint presented the rare case where sua sponte dismissal for lack of personal jurisdiction and venue was warranted because, for the reasons explained in the Court’s prior order, those defects were so plainly present from the face of the Amended Complaint. On November 12, 2025, Plaintiffs filed their Second Amended Complaint. Dkt. 20 # 28. The allegations in the Second Amended Complaint can be sorted into two categories. First, Plaintiffs allege they were the victims of a vast conspiracy and surveillance campaign, including “warrantless tracking, cell-site-simulator surveillance, Pegasus-type spyware, and API-based intrusions into email and cloud accounts.” *Id.* at 24 9. Second, Plaintiffs allege officers of the Vanderburgh County Sheriff’s Department, located in Indiana, unlawfully arrested one of the Plaintiffs and used excessive force during the arrest. *Id.* at 11–12. Based on the Court’s review, it appears the first category of allegations fail to state a plausible claim for relief, and the second category of allegations suffer from the same defects of lack of personal jurisdiction and improper venue. Accordingly, the Court orders Plaintiffs to show cause why this case should not be dismissed for those reasons. Plaintiffs shall file a written response, not to exceed five (5) pages, on or before February 10, 2026. Failure to file a response by that date will result in dismissal of this action. Dated this 30th day of January, 2026. The Honorable Richard A. Jones United States District Judge