

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.

OPINION

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 10 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 12 sponte is necessary and appropriate when the allegations in a complaint do not establish 13 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 15 sponte for improper venue.”). Here, the Amended Complaint presented the rare case 16 where sua sponte dismissal for lack of personal jurisdiction and venue was warranted 17 because, for the reasons explained in the Court’s prior order, those defects were so plainly 18 present from the face of the Amended Complaint.

19 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 21 categories. First, Plaintiffs allege they were the victims of a vast conspiracy and 22 surveillance campaign, including “warrantless tracking, cell-site-simulator surveillance, 23 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, 25 located in Indiana, unlawfully arrested one of the Plaintiffs and used excessive force 26 1 during the arrest. Id. at 11–12. Based on the Court’s review, it appears the first category 2 of allegations fail to state a plausible claim for relief, and the second category of 3 allegations suffer from the same defects of lack of personal jurisdiction and improper 4 venue.

5 Accordingly, the Court orders Plaintiffs to show cause why this case should not 6 be dismissed for those reasons. Plaintiffs shall file a written response, not to exceed five 7 (5) pages, on or before February 10, 2026. Failure to file a response by that date will 8 result in dismissal of this action. 9 10 Dated this 30th day of January, 2026. 11 12 A 13 14 The Honorable Richard A. Jones
United States District Judge 15 16 17 18 19 20 21 22 23 24 25 26