

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

**David P. Martin v. ODS Community Dental, Moda Health Plan, Inc.;
CareOregon/Moda Medicaid; Skyline Oral Surgery; Oregon Health
Authority; and Does 1–50**

Martin · No. 3:26-cv-00298-AB · Decided April 24, 2026

SUMMARY

The United States District Court for the District of Oregon dismisses David P. Martin’s Second Amended Complaint arising from a dental emergency. The court concludes that the complaint remains too lengthy and incomprehensible under Federal Rule of Civil Procedure 8, asserts claims unavailable against private actors or under criminal statutes, and fails to cure deficiencies identified in prior orders; dismissal is without prejudice but without further leave to amend.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Amy M. Baggio
JURISDICTION	United States District Court for the District of Oregon
DECIDED	April 24, 2026
DOCKET	3:26-cv-00298-AB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff, proceeding pro se and in forma pauperis, filed a Second Amended Complaint after the court previously dismissed an amended complaint with leave to amend. The district court screened the Second Amended Complaint under 28 U.S.C. § 1915(e) and dismissed it without prejudice and without further leave to amend.
STANDARD OF REVIEW	De novo screening of an in forma pauperis complaint under 28 U.S.C. § 1915(e)(2), including whether the complaint is frivolous, fails to state a claim, or seeks relief from an immune defendant; pleadings are construed liberally because Plaintiff is self-represented, but must comply with the Federal Rules of Civil Procedure.
PRECEDENTIAL VALUE	district court opinion; precedential status not identified in the supplied metadata

PARTIES

David P. Martin v. ODS Community Dental, Moda Health Plan, Inc., CareOregon/Moda Medicaid, Skyline Oral Surgery, Oregon Health Authority, Does 1–50

TOPICS

pleadings

civil procedure

motions to dismiss

section 1983

state action

PRACTICE AREAS

civil procedure

civil rights

constitutional law

health law

QUESTIONS PRESENTED

1. Whether the Second Amended Complaint complied with Federal Rule of Civil Procedure 8.
2. Whether the Second Amended Complaint stated claims subject to dismissal under 28 U.S.C. § 1915(e)(2)(B).
3. Whether Plaintiff could assert constitutional claims against private actors without state action.
4. Whether private parties could bring civil claims based on criminal statutes.
5. Whether the Oregon Health Authority was a person subject to suit under 42 U.S.C. § 1983.
6. Whether further leave to amend should be granted after Plaintiff failed to cure deficiencies identified in prior orders.

HOLDINGS

1. The Second Amended Complaint failed to comply with Rule 8 because it was still too lengthy, incomprehensible, and filled with unrelated material, making it impossible to determine the essence of Plaintiff's claims.
2. A complaint filed in forma pauperis may be dismissed before service when it is frivolous, fails to state a claim, or seeks monetary relief from an immune defendant.
3. A plaintiff cannot maintain a constitutional claim against a private actor absent state action.
4. Private parties may not enforce criminal statutes through a civil lawsuit when the statutes do not create a private civil cause of action.
5. The Oregon Health Authority may not be sued under 42 U.S.C. § 1983 because states and governmental entities that are arms of the state are not persons for purposes of § 1983.
6. Further leave to amend was properly denied because Plaintiff had already received instructions and an opportunity to cure the deficiencies, yet the Second Amended Complaint remained subject to dismissal and additional amendment would be futile.

FACTUAL BACKGROUND

David P. Martin brought claims arising from a dental emergency against private dental and health-plan defendants and the Oregon Health Authority. His Second Amended Complaint remained lengthy and included numerous unrelated documents and materials, including motions, Latin translations, evaluations of other court opinions, a medical-emergency-law lesson plan, and a shamanic forensic analysis. The complaint also asserted constitutional claims against private actors, claims under criminal statutes, and a 42 U.S.C. § 1983 claim against the Oregon Health Authority.

PROCEDURAL HISTORY

The court granted Plaintiff leave to proceed in forma pauperis and previously dismissed his 97-page Amended Complaint with instructions to cure pleading deficiencies. Plaintiff filed a Second Amended Complaint, which the court found remained lengthy, incomprehensible, and noncompliant with Rule 8, while also reasserting claims the court had already explained were legally deficient. The court dismissed the Second Amended Complaint without prejudice under Rule 8, 28 U.S.C. § 1915(e), and Rule 41(b), but denied further leave to amend because additional amendment would be futile.

DISPOSITION

dismissed

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Conley v. Gibson, 355 U.S. 41, 47 (1957)
- Ghazali v. Moran, 46 F.3d 52, 54 (9th Cir. 1995)
- Neitzke v. Williams, 490 U.S. 319, 324–25 (1989)
- Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam)
- Bechler v. Macaluso, No. CV 08-3059-CL, 2008 WL 4145881, at *2 (D. Or. Sept. 8, 2008)
- McHenry v. Renne, 84 F.3d 1172, 1179 (9th Cir. 1996)
- Roberts v. AT&T Mobility LLC, 877 F.3d 833, 837 (9th Cir. 2017)
- Allen v. Gold Country Casino, 464 F.3d 1044, 1048 (9th Cir. 2006)
- Cornel v. Hawaii, 37 F.4th 527, 531 (9th Cir. 2022)
- Doe v. Lawrence Livermore Nat'l Lab'y, 131 F.3d 836, 839 (9th Cir. 1997)
- Lucas v. Dep't of Corr., 66 F.3d 245, 248 (9th Cir. 1995)
- Steckman v. Hart Brewing, Inc., 143 F.3d 1293, 1298 (9th Cir. 1998)
- Yentz v. Nat'l Credit Adjusters, LLC, No. 3:20-CV-01364-AC, 2021 WL 1277961, at *2 (D. Or. Feb. 15, 2021)
- Webb v. Dep't of Hum. Servs., No. 6:23-CV-00647-AA, 2023 WL 5350651, at *2 (D. Or. Aug. 21, 2023)