

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAI‘I

Ernest Holmes, Jr. v. Attorney General for the State of Hawaii, et al.

Holmes · No. 26-cv-00079-DKW-WRP · Decided February 24, 2026

SUMMARY

The United States District Court for the District of Hawai‘i dismissed Ernest Holmes, Jr.’s 42 U.S.C. § 1983 complaint challenging a Hawai‘i state court decision concerning his sex-offender registration status. The court dismissed without prejudice and granted leave to amend, while denying the application to proceed in forma pauperis as moot.

CASE DETAILS

COURT	United States District Court for the District of Hawai‘i
WRITING FOR THE COURT	Derrick K. Watson
JURISDICTION	United States District Court for the District of Hawai‘i
DECIDED	February 24, 2026
DOCKET	26-cv-00079-DKW-WRP
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff brought an action under 42 U.S.C. § 1983 and applied to proceed in forma pauperis. The district court screened the complaint under 28 U.S.C. § 1915(e)(2)(B), dismissed it without prejudice for failure to state a claim, granted leave to amend, and denied the in forma pauperis application as moot.
STANDARD OF REVIEW	Mandatory screening under 28 U.S.C. § 1915(e)(2)(B) and failure-to-state-a-claim review under Federal Rule of Civil Procedure 8(a)(1). Pro se pleadings are liberally construed, but the court may not supply essential elements of a claim.
PRECEDENTIAL VALUE	unpublished district court order; persuasive value only
PARTIES	Ernest Holmes, Jr. v. Attorney General for the State of Hawaii, Josh Green, et al.

TOPICS

section 1983

civil rights

due process

motions to dismiss

appellate procedure

PRACTICE AREAS

civil rights

constitutional law

civil procedure

federal jurisdiction

QUESTIONS PRESENTED

1. Whether the complaint stated a claim under 42 U.S.C. § 1983 when it alleged that a state judge violated Holmes's rights but did not allege personal involvement by the named defendants.
2. Whether state officials sued in their official capacities were subject to liability as persons under 42 U.S.C. § 1983.
3. Whether a federal district court could review or overturn the Hawaii state court's decision and remand the matter with instructions.
4. Whether Holmes should receive leave to amend his complaint.

HOLDINGS

1. The complaint failed to state a Section 1983 claim because it alleged that Judge Holma violated Holmes's rights but did not allege any personal involvement by the named defendants.
2. The claims would fail independently because Holmes sued the state officials in their official capacities, and state officials sued in their official capacities are not persons subject to liability under Section 1983.
3. A federal district court may not sit as an appellate tribunal to review alleged errors in a state trial-court decision; any effort to overturn the state court's decision must proceed through the state appellate courts.
4. The complaint was dismissed without prejudice and with leave to amend because the court concluded that additional allegations might cure the identified defects.

KEY QUOTATIONS

“Liability under [Section] 1983 must be based on the personal involvement of the defendant.” (at 2)

“Federal district courts, as courts of original jurisdiction, may not serve as appellate tribunals to review errors allegedly committed by state courts.” (at 3)

“Unless it is absolutely clear that no amendment can cure the defect . . . a pro se litigant is entitled to notice of the complaint’s deficiencies and an opportunity to amend prior to dismissal of the action.” (at 4)

FACTUAL BACKGROUND

Holmes had filed a lawsuit in Hawaii state court seeking to have his lifetime sex-offender status lifted. On October 14, 2024, Judge Karin L. Holma denied his request for a hearing to reevaluate his risk assessment. Holmes then sued the Hawaii Attorney General and Governor Josh Green under 42 U.S.C. § 1983, alleging constitutional violations and seeking an order directing the state court to allow a risk assessment.

PROCEDURAL HISTORY

Holmes filed a federal complaint on February 20, 2026, alleging that the denial of a request for a hearing concerning his sex-offender risk assessment violated his state and federal due-process rights. He sought an order

remanding the matter to Hawaii state court with instructions to allow a risk assessment. The district court dismissed the complaint without prejudice and with leave to amend by March 10, 2026, and denied the IFP application as moot.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

None. The court denied Holmes's requested federal remand to state court. Holmes was permitted to file an amended complaint by March 10, 2026.

CASES CITED

- Eldridge v. Block, 832 F.2d 1132, 1137 (9th Cir. 1987)
- Pliler v. Ford, 542 U.S. 225, 231 (2004)
- Ivey v. Board of Regents of University of Alaska, 673 F.2d 266, 268 (9th Cir. 1982)
- Barren v. Harrington, 152 F.3d 1193, 1194 (9th Cir. 1998)
- Pierson v. Ray, 386 U.S. 547, 553-54 (1967)
- In re Castillo, 297 F.3d 940, 947 (9th Cir. 2002)
- Will v. Michigan, 491 U.S. 58, 71 (1989)
- MacKay v. Pfeil, 827 F.2d 540, 543 (9th Cir. 1987)
- Chemical Bank v. City of Bandon, Or., 562 F. Supp. 704, 706 (D. Or. 1983)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Lucas v. Department of Corrections, 66 F.3d 245, 248 (9th Cir. 1995)
- Crowley v. Bannister, 734 F.3d 967, 977-978 (9th Cir. 2013)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAI‘I ERNEST HOLMES, JR., Case No. 26-cv-00079-DKW-WRP Plaintiff, ORDER (1) DISMISSING COMPLAINT WITH LEAVE TO vs. AMEND; AND (2) DENYING AS MOOT APPLICATION TO ATTORNEY GENERAL FOR THE PROCEED WITHOUT STATE OF HAWAII, et al., PREPAYMENT OF FEES OR COSTS¹ Defendants.

On February 20, 2026, pro se Plaintiff Ernest Holmes, Jr. filed a complaint pursuant to 42 U.S.C. § 1983 against the Attorney General for the State of Hawai‘i and Hawai‘i Governor Josh Green. Dkt. No. 1. Plaintiff concurrently filed an application to proceed in forma pauperis (“IFP Application”).² Dkt. No. 3. Holmes’ Complaint offers only sparse allegations.

Reading his pleadings generously,³ Holmes alleges that he had filed a lawsuit in Hawai‘i state court seeking ¹Pursuant to Local Rule 7.1(c), the Court finds these matters suitable for disposition

without a hearing. 2The Court subjects each civil action commenced pursuant to 28 U.S.C. § 1915(a) to mandatory screening and can order the dismissal of any claims it finds “frivolous, malicious, failing to state a claim upon which relief may be granted, or seeking monetary relief from a defendant immune from such relief.” 28 U.S.C. § 1915(e)(2)(B).

3The Court liberally construes a pro se Complaint. *Eldridge v. Block*, 832 F.2d 1132, 1137 (9th Cir. 1987). However, the Court cannot act as counsel for a pro se litigant, such as by supplying the essential elements of a claim. *Pliler v. Ford*, 542 U.S. 225, 231 (2004); *Ivey v. Bd. of Regents of Univ. of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982). to have his lifetime sex offender status lifted.

Dkt. No. 1 at 5 (pdf pagination). On October 14, 2024, Judge Karin L. Holma denied Holmes’ request for a hearing to reevaluate Holmes’ risk assessment. *Id.* Holmes asserts that this denial violated his state and federal constitutional rights to due process, and requests that the Court “remand this case back to the state court of Hawai‘i with the instruction to allow a risk assessment.” *Id.* at 7.

Holmes provides a petition for writ of mandamus, purportedly filed in state court, in which Holmes requested that he be removed from the state’s sex offender registry. *Id.* at 9–13. For various reasons, the Complaint is frivolous and must be dismissed.

First, “[l]iability under [Section] 1983 must be based on the personal involvement of the defendant.” *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998). Holmes claims that his rights were violated by Judge Holma but fails to provide any allegations as to Defendants’ involvement.⁴ Dkt. No. 1 at 5.

Second, even if Holmes had alleged Defendants’ involvement, his claims would fail because Holmes sues Defendants in their official capacity. *Id.* at 3. The Supreme Court has made clear that state officials like Defendants, when sued in their official capacity, are not ⁴Judge Holma is not listed as a defendant in this action. If she was, the Court notes that judicial officers are absolutely immune from liability for actions taken during judicial proceedings.

See *Pierson v. Ray*, 386 U.S. 547, 553–54 (1967) (“Few doctrines were more solidly established at common law than the immunity of judges from liability for damages for acts committed within their judicial jurisdiction.”); *In re Castillo*, 297 F.3d 940, 947 (9th Cir. 2002) (explaining that courts have “long recognized judicial immunity, a sweeping form of immunity for acts performed by judges that relate to the judicial process.” (internal quotation marks omitted)). “persons” subject to liability under Section 1983.

See *Will v. Michigan*, 491 U.S. 58, 71 (1989) (“Obviously, state officials literally are persons. But a suit against a state official in his or her official capacity is not a suit against the official but rather is a suit against the official’s office.”).

Finally, although Holmes styles his claims as arising under Section 1983, his allegations amount to disagreement with the state court's decisions, and his requested remedies include "remand[ing]" back to state court with instructions to do what the state court declined to do in the first instance. Dkt. No. 1 at 7. This Court is one of limited jurisdiction and does not sit in review of state court judgments in most circumstances.

See *MacKay v. Pfeil*, 827 F.2d 540, 543 (9th Cir. 1987) ("Federal district courts, as courts of original jurisdiction, may not serve as appellate tribunals to review errors allegedly committed by state courts."). To the extent that Holmes seeks to have the state court's decision overturned, he must seek that relief through the state appellate courts and not here.

See *Chem. Bank v. City of Bandon, Or.*, 562 F. Supp. 704, 706 (D. Or. 1983) ("[I]t is axiomatic that the decision of a state trial court cannot be 'appealed' to a federal trial court. To do so would demonstrate an unwarranted contempt for the ability of state appellate courts.").

Accordingly, the Complaint does not state a claim and must be dismissed. See *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); Fed.R.Civ.P. 8(a)(1). Typically, "[u]nless it is absolutely clear that no amendment can cure the defect... a pro se litigant is entitled to notice of the complaint's deficiencies and an opportunity to amend prior to dismissal of the action." *Lucas v. Dep't of Corr.*, 66 F.3d 245, 248 (9th Cir.

1995); see also *Crowley v. Bannister*, 734 F.3d 967, 977-978 (9th Cir. 2013). Because it is possible that Holmes could cure the above defects with additional allegations, the Court **DISMISSES** the Complaint without prejudice and with leave to amend. Holmes may have until March 10, 2026 to file an amended complaint consistent with the guidance above and within a litigant's ethical obligations under Fed.R.Civ.P.

11(b). The Court cautions Holmes that failure to file a timely amended complaint will result in the dismissal of this action without further notice. The IFP Application, Dkt. No. 3, is **DENIED AS MOOT. IT IS SO ORDERED. DATED: February 24, 2026 at Honolulu, Hawaii**.¹ **aeons dot Derrick K. Watson en Chief United States District Judge Ernest Holmes, Jr., vs. Attorney General for the State of Hawaii, etal; Civil No. 26-00079 DK W-WRP; ORDER (1) DISMISSING COMPLAINT WITH LEAVE TO AMEND; AND (2) DENYING AS MOOT APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES OR COSTS -4-**