

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PRECEDENTIAL VALUE	unpublished district court order; persuasive value only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)