

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WASHINGTON

**Odai S. Albayati v. Cascade Windows, Cornerstone Building Brands,
Simonton Industries, and Simonton Windows**

Albayati · No. No. 2:25-CV-0120-TOR · Decided February 12, 2026

SUMMARY

The United States District Court for the Eastern District of Washington granted Defendants’ Rule 12(b)(6) motion to dismiss Odai S. Albayati’s claims against Cascade Windows, Cornerstone Building Brands, Simonton Industries, and Simonton Windows. The court found that Plaintiff failed to allege facts supporting any claim and dismissed the action with prejudice after previously allowing an opportunity to amend.

OPINION

Albayati

PER CURIAM.

1 U.S. F D IL IS E T D R I I N C T T H C E O U R T
EASTERN DISTRICT OF WASHINGTON

2 Feb 12, 2026

SEAN F. MCAVOY, CLERK

3

4 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

5

6 ODAI S. ALBAYATI,
NO. 2:25-CV-0120-TOR

7 Plaintiff,

ORDER GRANTING DEFENDANTS’

8 v. MOTION TO DISMISS

9 CASCADE WINDOWS,
CORNERSTONE BUILDING

10 BRANDS, SIMONTON
INDUSTRIES, AND SIMONTON

11 WINDOWS

12 Defendants. 13 BEFORE THE COURT is Defendants’ Motion to Dismiss (ECF No. 25).

14 This matter was submitted for consideration without oral argument. The Court has 15 reviewed

the record and files herein and is fully informed. Plaintiff has not responded to the Motion to Dismiss.

17 BACKGROUND

18 Plaintiff filed two Second Amended Complaints in this case on October 24 19 and 27, 2025. ECF Nos. 23 and 24. 20 //

1 DISCUSSION

2 For a plaintiff to survive a motion to dismiss under Rule 12(b)(6), “a complaint must contain sufficient factual matter, accepted as true, “to state a claim 4|| to relief that is plausible on its face.” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) 5|| (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)). This requires 6|| more than a simple “formulaic recitation of a cause of action’s elements.” 7| Twombly, 550 U.S. at 545. 8 Plaintiff has failed to state any claim. Here, Plaintiff does not state facts 9|| supporting the elements required for any of his claims. As a result, Plaintiff fails to 10|| state a claim. 11 The Court already gave Plaintiff the opportunity to amend. ACCORDINGLY, IT IS HEREBY ORDERED: 13 1. Defendants’ Motion to Dismiss (ECF No. 25) is GRANTED with 14 prejudice. 15 2. All other motions are DENIED as moot. 16 The District Court Executive is directed to enter this Order and furnish 17|| copies to counsel and CLOSE the file. DATED February 12, 2026.

20 a 7 THOMAS O. RICE

United States District Judge