

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Gurdeep Boparai v. Muckleshoot Indian Casino

Boparai · No. C24-2046-JCC · Decided December 22, 2025

OPINION

THE HONORABLE JOHN C. COUGHENOUR 1 2 3 4 5 6 UNITED STATES DISTRICT
COURT 7 WESTERN DISTRICT OF WASHINGTON 8 AT SEATTLE 9 GURDEEP BOPARAI,
CASE NO. C24-2046-JCC 10 Plaintiff, ORDER 11 v. 12 MUCKLESHOOT INDIAN CASINO,
13 Defendant. 14 15 This matter comes before the Court on Defendant's motion for judgment on
the pleadings 16 (Dkt. No. 17) and Plaintiff's motion to appoint counsel (Dkt.

No. 19). 17 According to Plaintiff's complaint,¹ he visited Defendant's premises in December
2024. 18 (See generally Dkt. No. 20 at 9–11.) While there, he was treated rudely and
disrespectfully. (See 19 generally *id.*) This is unfortunate but does not, in and of itself, support a
claim arising under 20 federal law. See, e.g., *Botosan v. Fitzhugh*, 13 F. Supp. 2d 1047, 1050 (S.D.

Cal. 1998) 21 (assessing Title VII and ADA claims brought by restaurant patron). And without
this, the Court 22 lacks subject matter jurisdiction. See 28 U.S.C. § 1331. Nor would this
deficiency seem curable 23 through further amendment by Plaintiff or even a new complaint
drafted by appointed counsel. 24 1 Plaintiff filed an amended complaint (Dkt. No. 20) comporting
with Federal Rule of Civil 25 Procedure 15(a)(1)(B).

Thus, it is the operative complaint and the Court applies Defendant's motion (Dkt. No. 17) to it,
rather than to the complaint on file at the time Defendant so moved 26 (Dkt. No. 5). 1 See
Barahona v. Union Pac. R.R. Co., 881 F.3d 1122, 1134 (9th Cir. 2018); *Wilborn v. 2 Escalderon*,
789 F.2d 1328, 1331 (9th Cir. 1986).

Thus, neither leave to again amend or the 3 appointment of counsel is warranted. 4 Accordingly,
Plaintiff's motion to appoint counsel (Dkt. No. 19) is DENIED and 5 Defendant's motion for a
judgment on the pleadings (Dkt. No. 17) is GRANTED in part 6 (because Plaintiff does not plead
a federal question, warranting immediate dismissal, see Fed. R. 7 Civ. P. 12(h)(3), the Court lacks
the jurisdiction to consider Defendant's sovereign immunity 8 argument).

Plaintiff's complaint (Dkt. No. 20) is DISMISSED without prejudice. 9 DATED this 22nd day of
December 2025. A 10 11 12 John C. Coughenour 13 UNITED STATES DISTRICT JUDGE 14 15
16 17 18 19 20 21 22 23 24 25 26

