

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON**

James Curtis Rowley v. Mason County Sheriff's Department, et al.

Rowley · No. 3:25-cv-5030-RAJ · Decided January 13, 2026

OPINION

Rowley

PER CURIAM.

1 HONORABLE RICHARD A. JONES

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UNITED STATES DISTRICT COURT

7 WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

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9 JAMES CURTIS ROWLEY,

Case No. 3:25-cv-5030-RAJ 10 Plaintiff, v.

ORDER ADOPTING REPORT

11

AND RECOMMENDATION AND

MASON COUNTY SHERIFF'S

DENYING LEAVE TO AMEND

12 DEPARTMENT, et al., 13 Defendants. 14 This Court, having reviewed the Report and
Recommendation of Magistrate Judge 15 16 David W. Christel (the "Report and
Recommendation," Dkt. # 19), Plaintiff's Objections 17 to the Report and Recommendation (the
"Objections," Dkt. # 20), and the remaining 18 record, hereby finds and ORDERS the following:
19 (1) The Court ADOPTS the Report and Recommendation. 20 (2) Plaintiff's Amended
Complaint (Dkt. # 18) is DISMISSED pursuant to Heck 21 v. Humphrey, 512 U.S. 477, 487
(1994), and for failure to state a claim upon which relief 22 may be granted. 23 24 1 (3) The Court
makes the following findings with respect to Plaintiff's Motion 2 for Leave to File Second
Amended Complaint (the "Motion to File SAC," Dkt. # 21). 3 While Plaintiff is correct that leave
to amend is more freely given to pro se litigants, 4 Plaintiff has already been granted leave to
amend once in this matter, and has been provided 5 specific instructions as to how to cure his
pleading deficiencies on more than one occasion. 6 See Dkt. ## 9, 17. Despite this, as detailed in
the Report and Recommendation, Plaintiff 7 failed to cure the fatal deficiencies in filing his
amended complaint. See, e.g., Dkt. # 19 at 8 5 (observing that Plaintiff's amended destruction-of-
evidence claim is "no different" from 9 the earlier version "asserted in his initial complaint").

Under these circumstances, the 10 Court may dismiss a pro se action based on remaining deficiencies without leave to amend. 11 12 *Swearington v. California Dep’t of Corr. & Rehab.*, 624 F. App’x 956, 959 (9th Cir. 2015) 13 (internal citations omitted). 14 The arguments set forth in the Objections and Motion to File SAC make clear that 15 permitting leave to file a second amended complaint would be futile and would only result 16 in the presentation of the same noncognizable claims. Critically, Plaintiff appears to 17 fundamentally misunderstand the Heck doctrine, arguing that, as his claims “do not 18 challenge the validity of [his] underlying conviction, but instead challenge the destruction 19 of key evidence,” they are therefore not Heck-barred. Dkt. # 20 at 1. However, the fact 20 that Plaintiff does not challenge the validity of his conviction is precisely the reason that 21 he is barred by the Heck doctrine from raising a § 1983 destruction-of-evidence claim. 22 Plaintiff’s conflation of these legal principles all but guarantees that any further amended 23 complaint in this matter will continue to run up against the Heck doctrine. 24 1 Additionally, Plaintiff again relies on *Arizona v. Youngblood*, 488 U.S. 51 (1988), 2 in arguing that the allegedly bad-faith destruction of potentially exculpatory evidence in 3 his case independently violated his due process rights. Dkt. # 20 at 2. This is the same 4 argument Plaintiff made in both of his previous complaints, and his recent filings all but 5 confirm that his second amended complaint—if permitted—will merely rehash this 6 already-rejected logic. Compare Dkt. # 8 at 5 (“Under *Arizona v. Youngblood*, the failure 7 to preserve such evidence constitutes a due process violation if it was destroyed in bad 8 faith.”), with Dkt. # 18 at 4 (“Plaintiff’s right to due process under the Fourteenth 9 Amendment of the U.S. Constitution was violated by all Defendants when it destroyed 10 critical physical evidence. . .”), with Dkt. # 20 at 2 (“Under *Arizona v. Youngblood*, 488 11 12 U.S. 51 (1988), destruction of potentially exculpatory evidence violates due process if done 13 in bad faith.”); see also Dkt. # 20 at 3 (requesting leave to amend to “further clarif[y] my 14 due process . . . claims”). 15 Plaintiff similarly cites *Reed v. Goertz*, 598 U.S. 230 (2023) and *Gutierrez v. Saenz*, 16 145 S. Ct. 2258 (2025) in his Objections, in connection with his “DNA access” claim. Dkt. 17 # 20 at 1–2. Here, too, Plaintiff fails to articulate how any second amended complaint, if 18 permitted, would meaningfully differ in its analysis of this authority, as compared to the 19 non-colorable argument set forth in Plaintiff’s amended complaint. See Dkt. # 18 at 6; Dkt. 20 # 19 at 6–9. 21 Finally, Plaintiff identifies with specificity the amendments he proposes to make to 22 cure the pleading deficiencies in the amended complaint related to the naming of a proper 23 defendant. Dkt. # 20 at 2–3. Notably, Plaintiff does not address the requirement to “allege 24 1 facts sufficient to show the existence of a county policy or custom that was the moving 2 force behind the alleged constitutional deprivation.” Dkt. # 19 at 9 (citing *Oviatt v. Pearce*, 3 954 F.2d 1470, 1474 (9th Cir. 1992)). In any case, even if Plaintiff is ultimately able to 4 partially cure this procedural deficiency, this Court concludes that, based on the totality of 5 the record, naming a proper defendant would not, by itself, transform plaintiff’s complaint 6 into a nonfrivolous pleading reflecting “arguable substance of law and fact.” Dkt. # 19 at 7 4 (citing 28 U.S.C. § 1915A(b); *Neitzke v. Williams*, 490 U.S.

319, 327 (1989)). 8 As such, this Court concludes that there is no possibility that Plaintiff's pleading 9 deficiencies may be cured through amendment, particularly given that Plaintiff "did not 10 cure the complaint's deficiencies despite the district court's specific instructions about how 11 12 to do so." Swearington, 624 F. App'x at 959 (citing Lopez v. Smith, 203 F.3d 1122, 1130 13 (9th Cir.2000)); see also Akhtar v. Mesa, 698 F.3d 1202, 1212 (9th Cir. 2012). 14 Accordingly, the Court DENIES Plaintiff's Motion to File SAC. 15 (4) The Clerk is directed to send copies of this Order to Plaintiff and to the Hon. 16 David W. Christel. 17 Dated this 13th day of January, 2026. 18 19 A 20 21 The Honorable Richard A. Jones United States District Judge 22 23 24