

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Ali Kane v. Carmack, et al.

Kane · No. 2:25-cv-01972-DGE-TLF · Decided December 9, 2025

SUMMARY

The United States District Court for the Western District of Washington directs service of Ali Kane’s amended 42 U.S.C. § 1983 complaint on several law-library defendants. The order also sets response deadlines and explains filing, service, motion, and notice requirements applicable to the pro se incarcerated plaintiff and defendants.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Theresa L. Fricke
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	December 9, 2025
DOCKET	2:25-cv-01972-DGE-TLF
DISPOSITION	other
PROCEDURAL POSTURE	The court reviewed plaintiff's amended civil-rights complaint brought under 42 U.S.C. § 1983 and issued an order directing service on the named defendants and establishing case-management, filing, motion, and response requirements.
STANDARD OF REVIEW	The court reviewed the complaint to determine the appropriate service and case-management directives; no appellate standard of review was applied.
PRECEDENTIAL VALUE	nonprecedential procedural order
PARTIES	Ali Kane v. Carmack, David Pauli, Pete Maxson

TOPICS

- service of process
- prisoners rights
- section 1983
- civil procedure
- motions to dismiss

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- service of process

QUESTIONS PRESENTED

1. Whether the Clerk should serve the amended § 1983 complaint and waiver materials on the named defendants.
2. What deadlines and filing requirements apply to defendants and the parties following service.
3. Whether defendants moving to dismiss or for summary judgment must provide a Rand and/or Wyatt notice to the pro se incarcerated plaintiff.

HOLDINGS

1. The Clerk must send the defendants copies of the amended complaint, the service order, the notice of lawsuit and request for waiver of service, and the waiver of service by email.
2. A defendant who timely returns the waiver must answer or file a permitted Rule 12 motion within 60 days after the date designated on the notice of lawsuit; a defendant personally served after failing to return the waiver must answer or file a permitted Rule 12 motion within 21 days after service.
3. Defendants filing a motion to dismiss or motion for summary judgment must concurrently serve the required Rand and/or Wyatt notice; failure to do so may result in the motion being stricken from the court's calendar with leave to refile.

KEY QUOTATIONS

“Defendants filing motions to dismiss or motions for summary judgment are advised that they MUST serve a Rand and/or Wyatt notice concurrently with motions to dismiss and motions for summary judgment so that pro se prisoner plaintiffs will have fair, timely and adequate notice of what is required of them in order to oppose those motions.” (at 4)

“A motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will, if granted, end your case. Rule 56 tells you what you must do in order to oppose a motion for summary judgment.” (at 4-5)

FACTUAL BACKGROUND

Ali Kane is incarcerated at Monroe Correctional Complex's Intensive Management Unit and brought a civil-rights action under 42 U.S.C. § 1983. The defendants identified for service include MCC-IMU law librarians Carmack and David Pauli and law-librarian supervisor Pete Maxson. The court reviewed Kane's amended complaint and directed service by the Clerk.

PROCEDURAL HISTORY

Plaintiff, an incarcerated person proceeding pro se and in forma pauperis, filed a § 1983 action and an amended complaint. After reviewing the amended complaint, the district court ordered the Clerk to serve the defendants by email with the complaint, waiver materials, and related documents.

DISPOSITION

other

CASES CITED

- Woods v. Carey, 684 F.3d 934, 941 (9th Cir. 2012)
- Rand v. Rowland, 154 F.3d 952, 963 (9th Cir. 1998)
- Wyatt v. Terhune, 315 F.3d 1108 (9th Cir. 2003)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-western-district-of-washington-united-states-district-court-for/2025/ali-kane-v-carmack-et-al-vx763bri>