

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAI‘I

Kaleb Alexander Hoosier v. City and County of Honolulu

Case No. 25-cv-00312-DKW-KJM · No. 25-cv-00312-DKW-KJM · Decided March 9, 2026

SUMMARY

The U.S. District Court for the District of Hawai‘i partially granted and partially denied the City and County of Honolulu’s motion to dismiss Kaleb Alexander Hoosier’s amended complaint challenging an ordinance restricting sitting or lying on public sidewalks. The court dismissed with prejudice Hoosier’s Eighth Amendment cruel-and-unusual-punishment and excessive-fines claims and his Monell failure-to-train claim. His Fourteenth Amendment due-process and equal-protection claims were allowed to proceed.

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	March 9, 2026
DOCKET	25-cv-00312-DKW-KJM
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the amended complaint with prejudice. The court granted the motion in part as to the Eighth Amendment and failure-to-train claims and denied it in part as to the due-process and equal-protection claims.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, disregards legal conclusions and conclusory assertions, and determines whether the complaint contains sufficient factual matter to state a facially plausible claim under Rule 8(a)(2). Pro se allegations are liberally construed.
PRECEDENTIAL VALUE	Unpublished district-court order; precedential status unknown.
PARTIES	Kaleb Alexander Hoosier v. City and County of Honolulu

TOPICS

- motions to dismiss
- section 1983
- municipal liability
- due process
- equal protection

PRACTICE AREAS

civil procedure

constitutional law

civil rights

municipal liability

municipal law

QUESTIONS PRESENTED

1. Whether the amended complaint stated an as-applied Eighth Amendment cruel-and-unusual-punishment claim where the plaintiff had received citations but had not been convicted, fined, or imprisoned.
2. Whether the amended complaint stated an as-applied Excessive Fines Clause claim where no fine had been extracted from the plaintiff.
3. Whether the amended complaint stated due-process and equal-protection claims under 42 U.S.C. § 1983 against the City under Monell.
4. Whether the amended complaint stated a municipal failure-to-train claim under Monell.
5. Whether dismissal of the deficient claims should be with prejudice because amendment would be futile or the plaintiff had failed to cure previously identified deficiencies.

HOLDINGS

1. An as-applied challenge to an ordinance under the Cruel and Unusual Punishments Clause fails where the plaintiff has not been convicted or subjected to the challenged punishment; the Clause concerns the method or kind of punishment imposed after conviction, not whether the government may criminalize conduct or secure a conviction.
2. An as-applied Excessive Fines Clause claim fails when the complaint does not allege that the plaintiff was required to pay or otherwise had a fine extracted from him.
3. The amended complaint plausibly stated as-applied due-process and equal-protection claims against the City and could proceed past the motion-to-dismiss stage.
4. A failure-to-train claim under Monell must allege facts identifying the deficient training, showing deliberate indifference, and connecting the deficiency to the alleged constitutional deprivation; conclusory assertions of unidentified constitutional limits and deliberate indifference are insufficient.
5. Dismissal with prejudice is appropriate when amendment would be futile or the plaintiff has repeatedly failed to cure a previously identified deficiency.

KEY QUOTATIONS

“the ‘Cruel and Unusual Punishments Clause focuses on the question what method or kind of punishment a government may impose after a criminal conviction, not on the question whether a government may criminalize particular behavior in the first place or how it may go about securing a conviction for that offense.’” (10)

“There are simply no factual allegations in the Amended Complaint to support these bare conclusions and, therefore, Claim Four is subject to dismissal for failure to state a claim.” (15-16)

FACTUAL BACKGROUND

Hoosier alleged that he is an unhoused Honolulu resident who had no access to shelter or lawful private space and therefore had to sit, lie down, or sleep in public. Between May and December 2025, he received 11 citations under a City ordinance prohibiting sitting or lying on public sidewalks in designated areas; the incidents allegedly involved orders to move, threats of arrest, physical blocking, and forced displacement. All citations were dismissed, and none resulted in a conviction, fine, or jail time. Hoosier also alleged that the City enforced the ordinance against visibly unhoused individuals and trained officers to clear homeless individuals from visible public spaces.

PROCEDURAL HISTORY

Hoosier filed the action on July 24, 2025, challenging a Honolulu ordinance regulating sitting or lying on public sidewalks in designated areas. On January 14, 2026, the court dismissed the original complaint with leave to amend because the claims were unclear and relied on conclusory allegations. Hoosier filed an amended complaint on January 15, 2026. The court held that Claims One, Four, and Five failed to state claims and dismissed them with prejudice, while Claims Two and Three were sufficiently pleaded to proceed.

DISPOSITION

other

CASES CITED

- Monell v. Department of Social Services of the City of New York, 436 U.S. 658 (1978)
- City of Canton v. Harris, 489 U.S. 378 (1989)
- Pembaur v. City of Cincinnati, 475 U.S. 469 (1986)
- Ellins v. City of Sierra Madre, 710 F.3d 1049 (9th Cir. 2013)
- Martin v. City of Boise, 920 F.3d 584 (9th Cir. 2019)
- City of Grants Pass, Ore. v. Johnson, 603 U.S. 520 (2024)
- Potter v. City of Lacey, 2024 WL 4511612 (9th Cir. Oct. 17, 2024)
- Pimental v. City of Los Angeles, 974 F.3d 917 (9th Cir. 2020)
- Diamond Sands Apartments, LLC v. Clark County, Nevada, 164 F.4th 759 (9th Cir. 2026)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)
- Eldridge v. Block, 832 F.2d 1132 (9th Cir. 1987)
- Lucas v. Department of Corrections, 66 F.3d 245 (9th Cir. 1995)
- Abagninin v. AMVAC Chemical Corp., 545 F.3d 733 (9th Cir. 2008)
- AmerisourceBergen Corp. v. Dialysist West, Inc., 465 F.3d 946 (9th Cir. 2006)

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