

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WASHINGTON

Matthew T. Ferguson v. United States Department of Veterans Affairs

No. 2:25-CV-00455-RLP (E.D. Wash. Dec. 4, 2025) · No. 2:25-CV-00455-RLP · Decided December 4, 2025

SUMMARY

The United States District Court for the Eastern District of Washington dismissed Matthew T. Ferguson’s amended complaint against the Department of Veterans Affairs and officials sued in their official capacities. The court held that the complaint failed to identify a waiver of the United States’ sovereign immunity and therefore failed to state a claim under 28 U.S.C. § 1915(e)(2). The court dismissed the action without prejudice, denied reconsideration of the preliminary-injunction ruling, and certified that an appeal would not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Eastern District of Washington
WRITING FOR THE COURT	Rebecca L. Pennell
JURISDICTION	United States District Court for the Eastern District of Washington
DECIDED	December 4, 2025
DOCKET	2:25-CV-00455-RLP
DISPOSITION	dismissed
PROCEDURAL POSTURE	The court screened a pro se plaintiff's amended complaint under 28 U.S.C. § 1915(e)(2) after granting leave to proceed in forma pauperis. The court also considered the plaintiff's motion for reconsideration of an order denying a preliminary injunction as moot.
STANDARD OF REVIEW	Mandatory screening under 28 U.S.C. § 1915(e)(2), including dismissal of an in forma pauperis complaint that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The court applied the Rule 8 and plausibility standards for evaluating whether the complaint stated a claim.
PRECEDENTIAL VALUE	District court order; precedential status not specified in the source metadata.

PARTIES

Matthew T. Ferguson v. United States Department of Veterans Affairs,
Doug Collins, Secretary of Veterans Affairs, Robert J. Fischer,
Director of the Spokane Veterans Affairs Medical Center

TOPICS

subject matter jurisdiction

motions to dismiss

motion for reconsideration

injunctions

civil procedure

PRACTICE AREAS

civil procedure

administrative law

sovereign immunity

federal jurisdiction

QUESTIONS PRESENTED

1. Whether the amended complaint stated a claim when it failed to allege a waiver of the United States' sovereign immunity.
2. Whether the court should grant reconsideration of its prior order denying a preliminary injunction as moot.
3. Whether a further opportunity to amend was required.

HOLDINGS

1. The amended complaint failed to state a claim because it did not allege a waiver of the United States' sovereign immunity, and the court therefore lacked subject matter jurisdiction over the claims against the United States and its agencies.
2. Ferguson was not entitled to a preliminary injunction, and his motion for reconsideration was denied.
3. A third opportunity to amend was not required because the repeated failure to allege a waiver of sovereign immunity made further amendment futile.

KEY QUOTATIONS

“section 1915(e) not only permits, but requires a district court to dismiss an in forma pauperis complaint that fails to state a claim.” (at 1)

“The Court therefore concludes that the United States has not waived its sovereign immunity to Mr. Ferguson’s claims, and that providing Mr. Ferguson a third attempt to state a claim would be futile.” (at 2)

FACTUAL BACKGROUND

Ferguson alleged that he was denied medical treatment at the Spokane Veterans Affairs Medical Center. He sued the Department of Veterans Affairs, the Secretary of Veterans Affairs, and the Spokane VAMC Director, with the individual defendants sued in their official capacities. His amended complaint again failed to allege that the United States had waived sovereign immunity.

PROCEDURAL HISTORY

Ferguson originally sued over medical treatment allegedly denied at the Spokane Veterans Affairs Medical Center. The court previously ordered him to amend or voluntarily dismiss because he had not alleged a waiver of the United States' sovereign immunity. After Ferguson filed an amended complaint that repeated the same deficiency, and moved for reconsideration regarding the docketing of his original complaint, the court dismissed the action without prejudice, denied reconsideration, certified that an appeal would not be taken in good faith, and directed the clerk to close the file.

DISPOSITION

dismissed

CASES CITED

- Coleman v. Tollefson, 575 U.S. 532, 537-38 (2015)
- Lopez v. Smith, 203 F.3d 1122, 1127, 1130-31 (9th Cir. 2000) (en banc)
- Neitzke v. Williams, 490 U.S. 319, 325, 327 (1989)
- Franklin v. Murphy, 745 F.2d 1221, 1227-28 (9th Cir. 1984)
- Jackson v. Arizona, 885 F.2d 639, 640 (9th Cir. 1989)
- Ashcroft v. Iqbal, 556 U.S. 662, 664 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Balser v. Department of Justice, Office of the U.S. Trustee, 327 F.3d 903, 907 (9th Cir. 2003)
- Solida v. McKelvey, 820 F.3d 1090, 1095 (9th Cir. 2016)
- California v. Azar, 911 F.3d 558, 575 (9th Cir. 2018)
- Cervantes v. Countrywide Home Loans, Inc., 656 F.3d 1034, 1041 (9th Cir. 2011)

OPINION

1 FILED IN THE U.S. DISTRICT COURT 2 EASTERN DISTRICT OF WASHINGTON Dec 04,
2025 3 SEAN F. MCAVOY, CLERK 4 5 UNITED STATES DISTRICT COURT 6 EASTERN
DISTRICT OF WASHINGTON 7 MATTHEW T FERGUSON, No. 2:25-CV-00455-RLP 8
Plaintiff, ORDER DISMISSING CASE 9 v. 10 UNITED STATES DEPARTMENT OF
VETERANS AFFAIRS, 11 Defendants. 12 Before the Court is Plaintiff Matthew Ferguson's
Amended Complaint, ECF 13 No. 8, and Motion for Reconsideration of Order Denying
Preliminary Injunction 14 as Moot, ECF No. 9.

Mr. Ferguson appears pro se. By separate Order the Court 15 granted Mr. Ferguson leave to
proceed in forma pauperis. ECF No. 5. Defendants 16 have not been served. 17 LEGAL
STANDARD 18 A plaintiff proceeding in forma pauperis under 28 U.S.C. § 1915 is subject to sua
19 sponte review of his or her complaint, and mandatory dismissal, if the complaint 20 1 is
“frivolous, malicious, fail[s] to state claim upon which relief may be granted, or 2 seek[s]
monetary relief from a defendant immune from such relief.” See 28 U.S.C. 3 § 1915(e)(2)(B);
Coleman v. Tollefson, 575 U.S. 532, 537-38, 135 S.Ct.

1759 4 (2015); *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000) (en banc) (“[S]ection 5 1915(e) not only permits, but requires a district court to dismiss an in forma pauperis 6 complaint that fails to state a claim.”) 7 A claim is legally frivolous when it lacks an arguable basis either in law or in 8 fact. *Neitzke v. Williams*, 490 U.S. 319, 325, 109 S.Ct.

1827 (1989), superseded by 9 statute on other grounds as stated in *Lopez v. Smith*, 203 F.3d 1122, 1126–27 (9th Cir. 2000) (en banc); *Franklin v. Murphy*, 745 F.2d 1221, 1227-28 (9th Cir. 1984). 11 The Court may, therefore, dismiss a claim as frivolous where it is based on an 12 indisputably meritless legal theory or where the factual contentions are clearly 13 baseless.

Neitzke, 490 U.S. at 327, 109 S.Ct. 1827. The critical inquiry is whether a 14 claim, however inartfully pleaded, has an arguable legal and factual basis. See 15 *Jackson v. Arizona*, 885 F.2d 639, 640 (9th Cir. 1989), superseded by statute on 16 other grounds as stated in *Lopez*, 203 F.3d at 1130-31; *Franklin*, 745 F.2d at 1227. 17 The facts alleged in a complaint are to be taken as true and must “plausibly 18 give rise to an entitlement to relief.” *Ashcroft v. Iqbal*, 556 U.S. 662, 664, 129 19 S.Ct.

1937 (2009). Mere legal conclusions “are not entitled to the assumption of 20 truth.” *Id.* The complaint must contain more than “a formulaic recitation of the 1 elements of a cause of action.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 127 2 S.Ct. 1955 (2007). It must plead “enough facts to state a claim to relief that is 3 plausible on its face.” *Id.* at 570, 127 S.Ct.

1955. 4 DISCUSSION 5 Mr. Ferguson’s suit appears to stem from medical treatment he was denied at 6 the Spokane Veterans Affairs Medical Center (VAMC). See generally ECF No. 8. 7 Mr. Ferguson names the United States Department of Veterans Affairs, the 8 Secretary of Veterans Affairs Doug Collins, and the Director of the Spokane 9 VAMC Robert J. Fischer. *Id.* at 2.

The latter two individuals are sued in their 10 official capacity. *Id.* 11 FRCP 8(a)(1) requires a plaintiff to include a short and plain statement of the 12 grounds for the Court’s jurisdiction in his complaint. The United States and its 13 agencies are immune from suit unless the United States has expressly waived its 14 immunity. *Balser v. Dep’t of Just., Off. of U.S. Tr.*, 327 F.3d 903, 907 (9th Cir.

15 2003). The Court lacks subject matter jurisdiction to hear claims against the United 16 States and its agencies absent such a waiver. *Id.* “An action against an officer, 17 operating in his or her official capacity as a United States agent, operates as a 18 claim against the United States.” *Solida v. McKelvey*, 820 F.3d 1090, 1095 (9th Cir. 2016). 20 1 The Court’s prior Order to Amend or Voluntarily Dismiss Complaint 2 indicated that Mr. Ferguson’s original Complaint¹ failed to state a claim because 3 he failed to allege that the United States had waived its sovereign immunity to 4 suit.

ECF No. 6. Nevertheless, Mr. Ferguson's Amended Complaint again fails to 5 allege that the United States has waived its sovereign immunity. For the same 6 reasons articulated in the Court's prior order, Mr. Ferguson's Amended Complaint 7 likewise fails to state a claim for relief. 8 As Mr. Ferguson's original Complaint failed to state a claim upon which 9 relief could be granted, he was not entitled to a preliminary injunction.

See 10 California v. Azar, 911 F.3d 558, 575 (9th Cir. 2018) (preliminary injunctions 11 require a clear showing that plaintiff is entitled to such relief). Mr. Ferguson's 12 motion for reconsideration does not dispute this, and it is therefore denied. 13 14 15 1 Mr. Ferguson also moves for reconsideration of the Court's order, alleging 16 the docket does not include his original Complaint.

ECF No. 9. Mr. Ferguson 17 attached a copy of his original Complaint to his motion. ECF No. 9 at 9-14. Review 18 of this attached copy confirms that Mr. Ferguson's original Complaint was docketed, 19 and the Court's prior Order to Amend or Voluntarily Dismiss was based on review 20 of this Complaint. 1 Unless it is absolutely clear that amendment would be futile, a pro se litigant 2 must be given the opportunity to amend his complaint to correct any deficiencies.

3 See Cervantes v. Countrywide Home Loans, Inc., 656 F.3d 1034, 1041 (9th Cir. 4 2011). Mr. Ferguson's Amended Complaint contains the same deficiencies as his 5 original Complaint, despite the Court's previous order to amend.

The Court 6 therefore concludes that the United States has not waived its sovereign immunity 7 to Mr. Ferguson's claims, and that providing Mr. Ferguson a third attempt to state 8 a claim would be futile. For that reason, the Court dismisses Mr. Ferguson's suit 9 for failure to state a claim upon which relief may be granted. 10 ACCORDINGLY, IT IS ORDERED: 11 1.

Plaintiff Matthew Ferguson's Amended Complaint, ECF No. 8, is 12 DISMISSED without prejudice for failure to state a claim upon which relief may 13 be granted under 28 U.S.C. § 1915(e)(2). 14 2. 2. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any 15 appeal of this Order would not be taken in good faith and would lack any arguable 16 basis in law or fact.

17 3. Mr. Ferguson's outstanding Motion for Reconsideration of Order 18 Denying Preliminary Injunction is DENIED. 19 // 20] IT IS SO ORDERED. The Clerk of Court is directed to enter this Order, 2|| enter judgment, provide copies to Plaintiff and counsel, and CLOSE the file. 3 DATED December 4, 2025. 5 □ REBECCAL.PENNELL UNITED STATES DISTRICT JUDGE 6 7 8 9 10 1] 12 13 14 15 16 17 18 19 20 ORDER NICAATICPING CAQCBR