

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Zachary Michael Lobue v. Michael Reese, Director Oregon
Department of Corrections (ODOC), et al.

Case No. 6:23-cv-00244-YY · No. 6:23-cv-00244-YY · Decided June 8, 2026

SUMMARY

The United States District Court for the District of Oregon addresses motions to dismiss claims arising from medical care provided to an incarcerated plaintiff after an inmate assault. The court dismisses the plaintiff’s Eighth Amendment claims against Joseph Bugher and Linda Bono, finding insufficient allegations of personal involvement or deliberate indifference, but allows negligence and medical-negligence claims to proceed. The order applies federal pleading standards and Oregon negligence law.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Youlee Yim You
JURISDICTION	United States District Court for the District of Oregon
DECIDED	June 8, 2026
DOCKET	6:23-cv-00244-YY
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought claims under 42 U.S.C. § 1983 and Oregon law concerning medical treatment received while incarcerated. The court considered separate Rule 12(b)(6) motions to dismiss filed by Joseph Bugher and Linda Bono, directed only to plaintiff’s Eighth Amendment and state-law negligence claims arising from treatment following a November 2024 inmate assault.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court determines whether the complaint contains sufficient factual allegations to show that the pleader is entitled to relief. Material factual allegations are accepted as true and construed in the light most favorable to the nonmoving party. The complaint must plead enough facts to permit a reasonable inference that the defendant is liable; conclusory assertions and formulaic recitations of the elements are insufficient.

PRECEDENTIAL VALUE	Unpublished federal district court opinion; nonprecedential except as permitted by applicable rules.
PARTIES	Zachary Michael Lobue v. Michael Reese, Director Oregon Department of Corrections (ODOC), et al.

TOPICS

[section 1983](#)
[prisoners rights](#)
[medical malpractice](#)
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PRACTICE AREAS

[civil rights](#)
[prisoner medical care](#)
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QUESTIONS PRESENTED

1. Whether Lobue adequately pleaded personal involvement or a sufficient causal connection to support an Eighth Amendment claim under 42 U.S.C. § 1983 against supervisory defendant Joseph Bugher.
2. Whether Lobue adequately pleaded an Oregon negligence claim against Bugher based on alleged knowledge of systemic medical-referral delays and failure to take additional meaningful action.
3. Whether Lobue adequately pleaded an Eighth Amendment deliberate-indifference claim against nurse practitioner Linda Bono based on delays in obtaining records, imaging, and a specialist consultation and on pain-management decisions.
4. Whether Lobue adequately pleaded an Oregon medical-negligence claim against Bono.

HOLDINGS

1. The Eighth Amendment claim against Bugher was inadequately pleaded and was dismissed because the complaint did not allege that he personally participated in, directed, or had a sufficient causal connection to the specific constitutional violation involving Lobue's treatment.
2. The negligence claim against Bugher was sufficiently pleaded to survive dismissal because the allegations identified a foreseeable risk of harm, Bugher's actual knowledge of systemic referral delays, conduct directed toward the referral system, and a plausible connection between the alleged failure to act and Lobue's injury.
3. The Eighth Amendment claim against Bono was inadequately pleaded and was dismissed because the allegations showed, at most, negligence or medical malpractice rather than deliberate indifference to a serious medical need.
4. The medical-negligence claim against Bono was sufficiently pleaded to survive dismissal because the proposed allegations plausibly alleged a duty, breach, harm, and causal link concerning delayed records, imaging, specialist referral, and pain management.

KEY QUOTATIONS

“Supervisors are not vicariously liable for unconstitutional acts done by the individuals they oversee, but they can be liable for their own conduct.””

“At most, plaintiff’s allegations could support a negligence claim, but that is not sufficient to sustain an Eighth Amendment claim for deliberate indifference.”

“A motion to dismiss under Rule 12(b)(6) requires the court to examine whether the complaint contains sufficient factual allegations to show that the pleader is entitled to relief.”

FACTUAL BACKGROUND

Lobue, an ODOC prisoner, alleged that he suffered facial fractures and other injuries in a November 2024 assault by another inmate. He alleged delays in obtaining outside medical records, imaging, and an oral and maxillofacial surgery consultation, as well as inadequate pain treatment. Bugher was an ODOC health-services administrator alleged to have known of systemic delays in outside medical appointments, while Bono was a nurse practitioner who treated Lobue after the assault and repeatedly addressed his referral and pain-management needs.

PROCEDURAL HISTORY

Plaintiff filed a second amended complaint naming the State of Oregon, ODOC, numerous individual defendants, and Doe defendants. Bugher and Bono moved to dismiss the Eighth Amendment and negligence claims asserted against them. The court granted both motions as to the Eighth Amendment claims, denied both motions as to the negligence claims, and ordered plaintiff to file an amended complaint incorporating proposed allegations concerning Bono within 30 days.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 663, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 557 (2007)
- Taylor v. Yee, 780 F.3d 928, 935 (9th Cir. 2015)
- Parks School of Business, Inc. v. Symington, 51 F.3d 1480, 1484 (9th Cir. 1995)
- Knievel v. ESPN, 393 F.3d 1068, 1076 (9th Cir. 2005)
- Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989)
- Peralta v. Dillard, 744 F.3d 1076, 1085–86 (9th Cir. 2014) (en banc)
- Starr v. Baca, 652 F.3d 1202, 1207 (9th Cir. 2011)
- Henry A. v. Willden, 678 F.3d 991, 1004 (9th Cir. 2012)
- Buckley v. County of San Mateo, 2017 WL 3394747, at *2 (N.D. Cal. Aug. 8, 2017)
- Hydrick v. Hunter, 669 F.3d 937, 942 (9th Cir. 2012)
- Webb v. Miller-Saltarello, 2024 WL 986578, at *2 (D. Or. Mar. 7, 2024)

- Webb v. Miller-Saltarello, 2025 WL 1563961, at *1 (9th Cir. June 3, 2025)
- Rodriguez v. County of Los Angeles, 891 F.3d 776, 798 (9th Cir. 2018)
- Moody v. Oregon Community Credit Union, 371 Or. 772, 784 (2023)
- Solberg v. Johnson, 306 Or. 484, 490–91 (1988)
- Chapman v. Mayfield, 358 Or. 196, 206 (2015)
- Barley v. ArcBest II, Inc., 2026 WL 686394, at *20 (D. Or. Mar. 11, 2026)
- Piazza v. Kellim, 360 Or. 58, 80 (2016)
- Pitts v. G4S Secure Solutions (USA) Inc., 2020 WL 6333959, at *5–6 (D. Or. May 26, 2020), report and recommendation adopted, 2020 WL 4495453 (D. Or. July 31, 2020)
- Stewart v. Jefferson Plywood Co., 255 Or. 603, 609 (1970)
- Domion v. Triquint Semiconductor, Inc., 2017 WL 7310643, at *5 (D. Or. Nov. 2, 2017), report and recommendation adopted, 2018 WL 847240 (D. Or. Feb. 13, 2018)
- D.B. v. IE Hotel Group, LLC, 2023 WL 1444785, at *6 (D. Or. Feb. 1, 2023)
- Segura v. Chernob, 2022 WL 3587860, at *12 (D. Or. May 25, 2022)
- Pearson v. Callahan, 555 U.S. 223, 236 (2009)
- Garcia v. United States, 2022 WL 1102595, at *5 (D. Or. Apr. 12, 2022)
- Zehr v. Haugen, 318 Or. 647, 653–54 (1994)
- Son v. Ashland Community Healthcare Services, 239 Or. App. 495, 505–06 (2010)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Toguchi v. Chung, 391 F.3d 1051, 1057, 1060 (9th Cir. 2004)
- Hudson v. McMillian, 503 U.S. 1, 9 (1992)
- Peralta v. Dillard, 744 F.3d 1076, 1086 (9th Cir. 2014)
- Colwell v. Bannister, 763 F.3d 1060, 1066 (9th Cir. 2014)
- Farmer v. Brennan, 511 U.S. 825, 837 (1994)
- Lemire v. California Department of Corrections & Rehabilitation, 726 F.3d 1062, 1081–82 (9th Cir. 2013)
- Librande v. Oregon Department of Corrections, 2026 WL 638454, at *4 (D. Or. Mar. 6, 2026)
- Bray v. Oregon, 2025 WL 3563415, at *12 (D. Or. Dec. 11, 2025)
- Estate of Forrest v. Multnomah County, 2025 WL 3279894, at *6 (D. Or. Nov. 25, 2025)