

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Mar 29, 2021**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CHARLES JOSEPH REEVIS, V.,  
(a.k.a.  
beezlbulbsonoffallenangelGoddess's),

Plaintiff,

v.

SPOKANE COUNTY SUPERIOR  
COURT, SPOKANE COUNTY  
DETENTION SERVICE,  
DECANESS HOSPITAL MEDICAL  
CENTER and SACRED HEART  
HOSPITAL,

Defendants.

NO: 2:20-CV-00441-RMP

ORDER DISMISSING ACTION

**1915(g)**

BEFORE THE COURT are Plaintiff's First Amended Complaint, ECF No. 28, several letters, ECF Nos. 25, 27, 29 and 32, and a ten-page document titled, "Illuminati," ECF No. 31. Plaintiff, a person facing criminal charges and currently housed at Comprehensive HealthCare - Yakima Competency Restoration, is proceeding *pro se*. By separate Order the Court has granted Plaintiff leave to

1 proceed *in forma pauperis*, but without the obligation to pay the \$350.00 filing fee  
2 due to his subsequent release from incarceration.

3 Plaintiff's letters contain unsupported assertions of wrong doing against no  
4 identified Defendants, Plaintiff's self-identification as various deities, and a  
5 contention that he has been "beat killed and murdered in vicious unHoly ways."  
6 See ECF No. 29 at 4. He claims, "I got the system trying to lock me away in a  
7 mental hosptle were I am involantry being medacted and lab tested," and he thanks  
8 the Court for getting his "true story out." ECF No. 29 at 7.

9 To the extent Plaintiff may wish to challenge in federal court his involuntary  
10 commitment to a mental institution, he would need to file a petition for a writ of  
11 habeas corpus after he has fully exhausted available state court remedies. See  
12 *Lynch v. Overholser*, 369 U.S. 705 (1962); *O'Beirne v. Overholser*, 287 F.2d 133,  
13 136 (D.C. Cir. 1960) ("Habeas corpus is the traditional means of seeking release  
14 from illegal confinement. It is the normal means in this jurisdiction of testing the  
15 legality of detention in a mental hospital, whether based on civil or criminal  
16 proceedings,"); see also 28 U.S.C. § 2254(b)(1)(A). The Court previously advised  
17 Plaintiff of these requirements in the February 23, 2021 Order Regarding  
18 Plaintiff's Letter in cause number 2:20-cv-00452-RMP, ECF No. 12.

19 Mr. Reeves asks that the documents he submits to this Court be filed in each  
20 of the civil cases he has filed since November 27, 2020. In his most recent letter,  
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1 Mr. Reeves attaches photocopies of “Angel tarot cards” and “Santa Muerte,” and  
2 asks that “all this Religious material” be added to all his civil suits as evidence that  
3 he believes in “realistic religions,” and that “because of it I am being blasphemyed  
4 against mocked and discrimanted and targeted against.” ECF No. 32 at 1-4.

5 The Court finds that granting Plaintiff’s repeated requests to file each  
6 document he submits in each of the civil cases he has filed in this District since  
7 November 27, 2020, would create an unreasonable administrative burden on the  
8 limited resources of the Court. Therefore, for the reasons set forth in the February  
9 23, 2021 Order, 2:20-cv-00452-RMP, ECF No. 12 at 3–4, Plaintiff’s requests will  
10 not be granted. *See In re McDonald*, 489 U.S. 180, 184 (1989); *DeLong v.*  
11 *Hennessey*, 912 F.2d 1144, 1147 (9th Cir. 1990); *In re Sindram*, 498 U.S. 177,  
12 179–80 (1991).

13 At this time, it is not clear what relevance the history of a secret society, or  
14 photocopies of religious materials, would have to any matter this Court may  
15 adjudicate. ECF Nos. 31 and 32. Nevertheless, if Plaintiff wishes the Court to  
16 take judicial notice of his submissions at a later date in any of his cases, he may  
17 make an appropriate request of the Court at that time.

### 18 **FIRST AMENDED COMPLAINT**

19 As a general rule, an amended complaint supersedes the original complaint  
20 and renders it without legal effect. *Lacey v. Maricopa County*, 693 F.3d 896, 928  
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1 (9th Cir. 2012). Therefore, “[a]ll causes of action alleged in an original complaint  
2 which are not alleged in an amended complaint are waived.” *King v. Atiyeh*, 814  
3 F.2d 565, 567 (9th Cir. 1987) *overruled in part by Lacey*, 693 F.3d at 928 (any  
4 claims voluntarily dismissed are considered to be waived if not repleaded). Here,  
5 Defendants Spokane County Superior Court, Spokane County Detention Service,  
6 Decaness Hosptle Medical Center and Sacred Heart Hosptle have been added.

7 In Count 1, Plaintiff lists “1st Amendment 14th Amendment 8th  
8 Amendment” and presents a single fact - a citation to his state criminal case  
9 number 20-1-03415-32. ECF No. 28 at 4 (as written in original). Plaintiff claims  
10 that his injury is “mental emotional spiritual witch all are physical damage  
11 inrepairible damage, inequal protection and Justice targeting discrimanting, gang  
12 stocked.” *Id.* at 5 (as written in original).

13 In Counts 2 and 3, Plaintiff claims a violation of “8th amendent inequal  
14 Protection and Justice,” which is also his statement of injury. *See* ECF No. 28 at 6,  
15 7, 8 (as written in original). In Count 2, Plaintiff again cites to his state criminal  
16 case number and complains that “Deceness hosptle states they have No record on  
17 me even tho I was born ther 3.10.1990 and also No mental health records even tho  
18 8.31.17 I had a code gray called on me.” *Id.* at 6 (as written in original). Plaintiff  
19 then cites to his federal criminal case number 2:13-cr-00103-RMP and asks that a  
20 mailing address be added. *Id.*

1 In Count 3, Plaintiff again cites to his state criminal case number and states,  
2 “I was told that they didn’t have No records on me but then a week or 2 later they  
3 did in fact send me records there said No medical records or mental health record  
4 even tho I was menal hospitleized there.” ECF No. 28 at 7. Plaintiff then adds  
5 “inrepairible mental emotional spiritual And all thats Physical damage harm and  
6 abuse Injury,” to his asserted damages under Count 3. *Id.* at 8 (as written in  
7 original). Plaintiff seeks monetary damage awards of “9,999 quadrillion dollars  
8 U.S currency” for each of his three separate Counts. *Id.* at 9 (as written in  
9 original).

10 Liberally construing the First Amended Complaint in the light most  
11 favorable to Plaintiff and for the reasons set forth below, the Court finds that  
12 Plaintiff has failed to cure the deficiencies of the initial construed complaint and  
13 has failed to state a claim upon which relief may be granted.

14 **NAMED DEFENDANTS**

15 Plaintiff names Spokane County Superior Courts, Spokane County  
16 Detention Services and two Spokane area hospitals as Defendants to his First  
17 Amended Complaint. Under 42 U.S.C. § 1983, the term “person” includes local  
18 governmental entities, but does not encompass municipal or county departments.  
19 *See Cortez v. Cty of L.A.*, 294 F.3d 1186, 1188 (9th Cir. 2002); *United States v.*  
20 *Kama*, 394 F.3d 1236, 1239 (9th Cir. 2005) (Ferguson, J., concurring) (municipal  
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1 police departments and bureaus are generally not considered “persons” within the  
2 meaning of section 1983). Therefore, Spokane County Detention Services is not a  
3 proper Defendant to this action.

4 Even if Plaintiff had properly named Spokane County as a Defendant to his  
5 action, he alleges no facts showing that a Spokane County policy has resulted in  
6 the deprivation of his constitutionally protected rights. *See Monell v. NYC Dep’t of*  
7 *Soc. Servs.*, 436 U.S. 658, 690 (1978). He has failed to state a claim upon which  
8 relief may be granted.

9 Also, a superior court is not a “person” capable of being sued. *See Groten v.*  
10 *California*, 251 F.3d 844, 851 (9th Cir. 2001); *Will v. Mich. Dept. of State Police*,  
11 491 U.S. 58, 70–71 (1989) (holding that “‘arms of the State’ for Eleventh  
12 Amendment purposes” are not liable under section 1983); *Greater L.A. Council on*  
13 *Deafness, Inc. v. Zolin*, 812 F.2d 1103, 1110 (9th Cir. 1987) (concluding a suit  
14 against a superior court is a suit against a state, which is barred by Eleventh  
15 Amendment immunity); *cf. Hyland v. Wonder*, 117 F.3d 405, 413 (9th Cir. 1997)  
16 (describing superior court judges as state agents or employees).

17 In addition, private parties such as private hospitals, who are not affiliated  
18 with a state or municipal government, generally do not act under color of law.  
19 *Florer v. Congregation Pidyon Shevuyim, N.A.*, 639 F.3d 916, 922 (9th Cir. 2011).  
20 Government action may be found only if “there is such a ‘close nexus between the  
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1 State and the challenged action’ that seemingly private behavior ‘may be fairly  
2 treated as that of the State itself.’” *Villegas v. Gilroy Garlic Festival Ass’n*, 541  
3 F.3d 950, 955 (9th Cir. 2008) (en banc) (quoting *Brentwood Academy v. Tenn.*  
4 *Secondary Sch. Athletic Ass’n*, 531 U.S. 288, 295 (2001)).

5 There are four tests for determining when the conduct of a private party may  
6 properly be considered “state action” for purposes of § 1983, including “(1) the  
7 public function test; (2) the joint action test; (3) the state compulsion test; and (4)  
8 the governmental nexus test.” *Tsao v. Desert Palace, Inc.*, 698 F.3d 1128, 1140  
9 (9th Cir. 2012) (quoting *Franklin v. Fox*, 312 F.3d 423, 444–45 (9th Cir. 2002)). A  
10 § 1983 plaintiff has the burden to plead and prove state action by a private  
11 defendant. *See id.* at 1139 (citing *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 937  
12 (1982)).

13 Here, the only alleged conduct appears to be either the failure to provide  
14 medical records or the delay in providing such records. Even if true, the failure to  
15 provide information does not rise to the level of a constitutional violation. *See e.g.*,  
16 *Travis v. Reno*, 163 F.3d 1000, 1007 (7th Cir. 1998). Plaintiff alleges no facts  
17 from which the Court could infer the actions of either Sacred Heart Hospital or  
18 Deaconess Medical Center amounted to state action under any of tests listed above.  
19 *See Tsao*, 698 F.3d at 1140.

1 Even if a private business entity engages in “state action,” it cannot be held  
2 liable under section 1983 unless the alleged constitutional violation was caused by  
3 the entity’s “policy, practice, or custom” or by an “order by a policymaking  
4 officer.” *See Tsao*, 698 F.3d at 1138–39 (applying the reasoning underlying  
5 *Monell* to-private entities acting under color of state). Here, Plaintiff alleges no  
6 nexus between the state and any challenged actions of hospital staff. He presents  
7 no facts from which the Court could infer that any alleged violation resulted from a  
8 policy or custom of either hospital.

9 Although granted the opportunity to do so, Plaintiff has failed to file a First  
10 Amended Complaint that states a claim upon which relief may be granted.

11 Accordingly, for the reasons set forth above and in the Order to Amend or  
12 Voluntarily Dismiss, ECF No. 20, **IT IS ORDERED** that this action is  
13 **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief  
14 may be granted under 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1).

15 Pursuant to 28 U.S.C. § 1915(g) a prisoner who brings three or more civil  
16 actions or appeals which are dismissed as frivolous or for failure to state a claim  
17 will be precluded from bringing any other civil action or appeal *in forma pauperis*  
18 “unless the prisoner is under imminent danger of serious physical injury.” 28  
19 U.S.C. § 1915(g). **Plaintiff is advised to read the statutory provisions of 28**  
20 **U.S.C. § 1915. This dismissal of Plaintiff's complaint may count as one of the**



1 three dismissals allowed by 28 U.S.C. § 1915(g) and may adversely affect his  
2 ability to file future claims *in forma pauperis*. IT IS FURTHER ORDERED  
3 that all pending motions are **DENIED AS MOOT.**

4 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this  
5 Order, enter Judgment, provide copies to Plaintiff, and **CLOSE** the file. The  
6 District Court Clerk is further directed to provide a copy of this Order to the Office  
7 of the Attorney General of Washington, Corrections Division. The Court certifies  
8 that any appeal of this dismissal would not be taken in good faith.

9 **DATED** March 29, 2021.

10  
11 s/ Rosanna Malouf Peterson  
12 ROSANNA MALOUF PETERSON  
13 United States District Judge  
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