

AO 450 (Rev. 11/11) Judgment in a Civil Action

UNITED STATES DISTRICT COURT

for the Eastern District of Washington

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

Apr 13, 2021

SEAN F. McAVOY, CLERK

James Bohn, an individual

Plaintiff

CHELAN COUNTY, a municipal corporation, THE UNITED STATES OF AMERICA, THE UNITED STATES BUREAU OF RECLAMATION, and THE UNITED STATES NATIONAL PARK SERVICE,

Defendants

Civil Action No. 2:20-CV-00257-SMJ

JUDGMENT IN A CIVIL ACTION

The court has ordered that (check one):

[] the plaintiff (name) recover from the defendant (name) the amount of dollars (\$), which includes prejudgment interest at the rate of % , plus post judgment interest at the rate of % per annum, along with costs.

[] the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (name) recover costs from the plaintiff (name)

[x] other: The United States' Motion to Dismiss, ECF No. 23, is GRANTED. Plaintiff's Complaint, ECF No. 1-1 at 7-15 is DISMISSED WITH PREJUDICE with all parties to bear their own costs and attorney fees. JUDGMENT is in favor of Defendants.

This action was (check one):

[] tried by a jury with Judge presiding, and the jury has rendered a verdict.

[] tried by Judge without a jury and the above decision was reached.

[x] decided by Judge Salvador Mendoza, Jr. on a motion to dismiss.

Date: April 13, 2021

CLERK OF COURT

SEAN F. McAVOY

s/ Courtney Piazza

(By) Deputy Clerk

Courtney Piazza

Eastern District of Washington**U.S. District Court****Notice of Electronic Filing**

The following transaction was entered on 4/13/2021 at 5:25 PM PDT and filed on 4/13/2021

Case Name: Bohn v. Chelan County

Case Number: 2:20-cv-00257-SMJ

Filer:

WARNING: CASE CLOSED on 04/13/2021

Document Number: 32

Docket Text:

ORDER GRANTING [23] MOTION TO DISMISS. Plaintiff's Complaint, ECF No. 1-1 at 7-15 is DISMISSED WITH PREJUDICE with all parties to bear their own costs and attorney fees. This file is CLOSED. Signed by Judge Salvador Mendoza, Jr. (CLP, Case Administrator)

2:20-cv-00257-SMJ Notice has been electronically mailed to:

Brian M Donovan brian.donovan@usdoj.gov, CaseView.ECF@usdoj.gov,
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2:20-cv-00257-SMJ Notice has been delivered by other means to:

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3509 East Deer Road
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The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1069357611 [Date=4/13/2021] [FileNumber=3703567-0]
][59a7889a4f5939f04223d1fcf73127605c859555e4b6cf0bf4e774e9abdea8451c4
29103a60b72f09d0fd405fac608254989dec3898c97b57b1d0459fc72c32a]]

1 cannot determine that there was any fraudulent concealment by any Defendant or
2 any other reason to toll the statute of limitations.

3 More importantly, though, even if Plaintiff would be entitled to tolling or
4 equitable estoppel in other circumstances, such doctrines are unavailable to Plaintiff
5 for a QTA claim. *Kingman Reef Atoll Investments, L.L.C.*, 541 F.3d at 1195–96
6 (“The Supreme Court has already held that Congress intended the QTA’s
7 limitations period to serve interests of finality, and therefore it may not be tolled.”).
8 “The Supreme Court has held that this limitations period is a central condition of
9 the consent [to be sued] given by the [QTA].” *Fidelity Expl. and Prod. Co. v. United*
10 *States*, 506 F.3d 1182, 1185 (9th Cir. 2007) (internal quotation marks and citation
11 omitted). So, the conditions of the statute’s waiver of immunity “must be strictly
12 observed, and exceptions thereto are not to be lightly implied.” *Id.* at 1185–86.
13 Plaintiff has known about the cloud on the title of SVR for more than twenty years
14 and had constructive notice for more than thirty-five years. The time for a QTA
15 claim has passed.

16 CONCLUSION

17 The Court must dismiss this case as untimely. Although much of Plaintiff’s
18 responses are spent reiterating the alleged importance of his suit, the Court cannot
19 reach the merits when it lacks jurisdiction. *See* ECF No. 25 at 4. Because Plaintiff
20 could not amend his Complaint to properly allege jurisdiction, the Court dismisses


1 this case with prejudice. *See Rosati v. Igbinoso*, 791 F.3d 1037, 1039 (9th Cir. 2015)
2 (“A district court should not dismiss a pro se complaint without leave to amend
3 unless it is absolutely clear that the deficiencies of the complaint could not be cured
4 by amendment”) (internal quotation omitted).

5 Accordingly, **IT IS HEREBY ORDERED:**

- 6 **1.** The United States’ Motion to Dismiss, **ECF No. 23**, is **GRANTED**.
- 7 **2.** Plaintiff’s Complaint, ECF No. 1-1 at 7–15 is **DISMISSED WITH**
8 **PREJUDICE** with all parties to bear their own costs and attorney fees.
- 9 **3.** All pending motions are **DENIED AS MOOT**.
- 10 **4.** All hearings and other deadlines are **STRICKEN**.
- 11 **5.** The Clerk’s Office is directed to **ENTER JUDGMENT** in favor of
12 Defendants and **CLOSE** the file.

13 **IT IS SO ORDERED.** The Clerk’s Office is directed to enter this Order and
14 provide copies to all counsel and *pro se* parties.

15 **DATED** this 13th day of April 2021.

16 
17 **SALVADOR MENDOCÑA, JR.**
United States District Judge