

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 19 2026

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FUAMATALA MOLI,

Plaintiff - Appellant,

v.

COUNTY OF KING; KING COUNTY
METRO TRANSIT; JOHN AND JANE
DOES, 1-10,

Defendants - Appellees.

No. 24-3155

D.C. No.

2:23-cv-00823-RSL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Robert S. Lasnik, District Judge, Presiding

Argued and Submitted July 9, 2025

Submission Vacated July 15, 2025

Resubmitted May 19, 2026

Seattle, Washington

Before: HAWKINS, GRABER, and BENNETT, Circuit Judges.

Plaintiff-Appellant appeals the district court's dismissal of her operative complaint with prejudice. "We may grant leave to amend in situations where the controlling precedents changed midway through the litigation." *Sonoma Cnty.*

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Ass'n of Retired Emps. v. Sonoma County, 708 F.3d 1109, 1117–18 (9th Cir. 2013). And “[a]s a general rule, ‘[d]ismissal without leave to amend is improper unless it is clear, upon de novo review, that the complaint could not be saved by any amendment.’” *Id.* at 1118 (quoting *Polich v. Burlington N., Inc.*, 942 F.2d 1467, 1472 (9th Cir. 1991)).

In light of our decision in *Detwiler v. Mid-Columbia Medical Center*, 156 F.4th 886 (9th Cir. 2025), it is not clear that any deficiencies in Plaintiff-Appellant’s operative complaint could not be cured by amendment. Thus, we vacate and remand with instructions to grant Plaintiff-Appellant leave to amend her operative complaint.

VACATED AND REMANDED WITH INSTRUCTIONS.