

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Bright v. Hoebich

Bright · No. 24-9625 (RK) (TJB) · Decided November 24, 2025

SUMMARY

The United States District Court for the District of New Jersey granted defendants’ motions to dismiss Frank Bright’s amended complaint alleging First and Fourteenth Amendment retaliation under 42 U.S.C. § 1983. The court dismissed the claims against the City of New Brunswick and the official-capacity claims with prejudice for failure to plead municipal liability under Monell, and dismissed the individual-capacity retaliation claim against the housing inspector without prejudice for failure to allege the inspector’s awareness of Bright’s protected activity or a causal link. The court also denied Bright’s motion for leave to file a sur-reply.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Robert Kirsch
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	November 24, 2025
DOCKET	24-9625 (RK) (TJB)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought claims under 42 U.S.C. § 1983 alleging First and Fourteenth Amendment retaliation against municipal officials and the City of New Brunswick. After the Court dismissed the original complaint and allowed amendment as to certain claims, Defendants moved to dismiss the amended complaint under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the complaint must contain sufficient factual matter to state a claim that is plausible on its face. The Court accepts well-pleaded allegations as true and gives the plaintiff the benefit of reasonable favorable inferences, but disregards legal conclusions and conclusory allegations. Pro se pleadings are liberally construed but must still allege sufficient facts to support a claim.
PRECEDENTIAL VALUE	unpublished nonprecedential district-court memorandum opinion

PARTIES

Frank Bright v. James Hoebich, Charly Gayden, Kimberly Milligan, Tom Boylan, Brenda Gayden, Maria Cody, City of New Brunswick

TOPICS

motions to dismiss

section 1983

first amendment

municipal liability

civil procedure

PRACTICE AREAS

civil procedure

civil rights

constitutional law

municipal law

remedies

QUESTIONS PRESENTED

1. Whether Bright adequately pleaded municipal liability under Monell based on an official policy or custom.
2. Whether Bright adequately pleaded municipal liability under a failure-to-train or failure-to-supervise theory.
3. Whether Bright adequately pleaded a First Amendment retaliation claim against the Inspector in his individual capacity.
4. Whether the official-capacity and municipal claims should be dismissed with prejudice and whether the individual-capacity claim against the Inspector should be dismissed without prejudice.

HOLDINGS

1. Bright failed to state a Monell claim because the amended complaint alleged only conclusory assertions of a municipal policy or custom and did not identify an official policy, proclamation, edict, or sufficiently permanent and settled course of conduct causing the alleged constitutional violation.
2. Bright failed to state a failure-to-train Monell claim because he pleaded no facts identifying a specific training deficiency, a causal nexus between that deficiency and his injuries, or deliberate indifference by the City.
3. Bright failed to state a First Amendment retaliation claim against the Inspector because the amended complaint did not plausibly allege that the Inspector knew of Bright's protected political activity, speech, or appeal of the contempt ruling, and therefore did not establish the required causal link.
4. Dismissal of the official-capacity claims and the claims against the City was with prejudice because further amendment would be futile.

KEY QUOTATIONS

“Under Monell, a municipality can only be liable under Section 1983 in two situations: (i) where an official policy or custom is the impetus for a constitutional violation or (ii) when a plaintiff’s injuries were caused by a municipality’s failure or inadequacy—such as a failure to train, supervise, or discipline (“failure theory”).”
(Discussion § III.A)

“To plead a First Amendment retaliation claim, Plaintiff must allege that (1) he “engaged in conduct protected by a right in the Constitution,” (2) Defendants “engaged in retaliatory action sufficient to deter a person of ordinary firmness from exercising [his] constitutional rights,” and (3) a “causal link existed between the protected activity and the retaliatory action.”” (Discussion § III.B)

FACTUAL BACKGROUND

Frank Bright, a pro se New Brunswick resident and politically active local figure, alleged that municipal officials retaliated against him because of his political activity, speech critical of the City, and appeal of a contempt ruling. He alleged that a City housing inspector issued numerous property-maintenance summonses, including 72 summonses relating to one property during 2023 and the first half of 2024, and that enforcement was arbitrary, procedurally irregular, and not applied to similarly situated residents. Bright asserted official-capacity and municipal-liability claims against the officials and the City, as well as an individual-capacity First Amendment retaliation claim against the Inspector.

PROCEDURAL HISTORY

The Court previously dismissed official-capacity claims against the individual defendants without prejudice for failure to plead municipal liability under Monell, dismissed several individual-capacity claims with prejudice on immunity grounds, and dismissed the individual-capacity retaliation claim against the Inspector without prejudice. Plaintiff filed an amended complaint adding the City and Maria Cody and reasserting official-capacity claims and an individual-capacity retaliation claim against the Inspector. The Court granted Defendants' motions to dismiss, dismissing all official-capacity claims and claims against the City with prejudice and dismissing the Inspector's individual-capacity claim without prejudice.

DISPOSITION

dismissed

CASES CITED

- Monell v. Department of Social Services of City of New York, 436 U.S. 658 (1978)
- Heine v. Director of Codes & Standards, No. 15-8210, 2017 WL 3981135 (D.N.J. Sept. 11, 2017)
- Heine v. Bureau Chief Division of Fire & Safety, 765 F. App'x 816 (3d Cir. 2019) (per curiam)
- Fabics v. City of New Brunswick, No. 14-2202, 2014 WL 11394518 (D.N.J. Nov. 13, 2014)
- Fabics v. City of New Brunswick, 629 F. App'x 196 (3d Cir. 2015) (per curiam)
- State v. Bright, No. A-2137-22, 2024 WL 1599156, at *2 (N.J. Super. Ct. App. Div. Apr. 12, 2024) (per curiam)
- Doe v. Princeton University, 30 F.4th 335, 342 (3d Cir. 2022)
- S. Cross Overseas Agencies, Inc. v. Wah Kwong Shipping Group Ltd., 181 F.3d 410, 426 (3d Cir. 1999)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Burtch v. Milberg Factors, 662 F.3d 212, 224 (3d Cir. 2011)

- Kulwicki v. Dawson, 969 F.2d 1454, 1462 (3d Cir. 1992)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam)
- Estelle v. Gamble, 429 U.S. 97, 106-08 & n.16 (1976)
- Rivera v. Monko, 37 F.4th 909, 914 (3d Cir. 2022)
- Abdullah v. Cohen, No. 17-4006, 2017 WL 4779601, at *2 (D.N.J. Oct. 23, 2017)
- Kentucky v. Graham, 473 U.S. 159, 166 (1985)
- Porter v. City of Philadelphia, 975 F.3d 374, 383, 385 (3d Cir. 2020)
- Pembaur v. City of Cincinnati, 475 U.S. 469, 481-84 (1986)
- Fowler v. UPMC Shadyside, 578 F.3d 203, 210-11 (3d Cir. 2009)
- Lada v. Delaware County Community College, No. 08-4754, 2009 WL 3217183, at *8 (E.D. Pa. Sept. 30, 2009)
- Simmons v. Uintah Health Care Special District, 506 F.3d 1281, 1286 n.5 (10th Cir. 2007)
- Frederico v. Home Depot, 507 F.3d 188, 201-02 (3d Cir. 2007)
- Grayson v. Mayview State Hospital, 293 F.3d 103, 111 (3d Cir. 2002)
- Ross v. Meagan, 638 F.2d 646, 649 (3d Cir. 1981), overruled on other grounds by Neitzke v. Williams, 490 U.S. 319 (1989)
- Neitzke v. Williams, 490 U.S. 319 (1989)
- Negron v. Holguin, No. 16-3965, 2018 WL 1535233, at *4 (D.N.J. Mar. 28, 2018)
- Brown v. Cantineri, No. 14-6391, 2017 WL 481467, at *2 (D.N.J. Feb. 6, 2017)
- In re Adams, 151 F.4th 144, 156 (3d Cir. 2025)
- Nellom v. Delaware County Domestic Relations Section, 145 F. Supp. 3d 470, 482-83 (E.D. Pa. 2015)
- Desi's Pizza, Inc. v. City of Wilkes-Barre, 321 F.3d 411, 425 (3d Cir. 2003)
- Collins v. City of Harker Heights, 503 U.S. 115, 120 (1992)
- Frierson v. St. Francis Medical Center, No. 07-3857, 2011 WL 3423930, at *17 (D.N.J. Aug. 4, 2011)
- Thompson v. Cobham, No. 12-1041, 2012 WL 2374724, at *1 (D.N.J. June 22, 2012)
- Avetzuk v. Hertz Corporation, No. 23-22568, 2025 WL 559845, at *9 (D.N.J. Feb. 20, 2025)
- Jones v. Unknown D.O.C. Bus Driver & Transportation Crew, 944 F.3d 478, 483 (3d Cir. 2019)
- Ross v. Hayt, Hayt & Landau, LLC, No. 15-1506, 2015 WL 8781307, at *5 n.4 (D.N.J. Dec. 14, 2015)