

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

David Keith v. Carlos Romain

Keith · No. 5:25-cv-00758 (AMN/PJE) · Decided March 4, 2026

SUMMARY

The United States District Court for the Northern District of New York adopts a magistrate judge’s Report-Recommendation concerning David Keith’s 42 U.S.C. § 1983 claims against Sergeant Carlos Romain. The court dismisses the Fourth Amendment and First Amendment claims without prejudice and grants leave to amend within 30 days. The court also addresses the absence of allegations supporting municipal liability.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Anne M. Nardacci
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	March 4, 2026
DOCKET	5:25-cv-00758 (AMN/PJE)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report-recommendation under 28 U.S.C. § 636(b)(1)(C) after no party filed objections. The court adopted the report-recommendation and dismissed the pro se plaintiff's § 1983 complaint without prejudice, with leave to amend.
STANDARD OF REVIEW	Clear-error review applies when no specific objection is filed to a magistrate judge's report-recommendation. Properly preserved specific objections receive de novo review under 28 U.S.C. § 636(b)(1)(C).
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown
PARTIES	David Keith v. Carlos Romain

TOPICS

- section 1983
- pleadings
- civil procedure
- first amendment
- civil rights

PRACTICE AREAS

civil rights

constitutional law

federal civil procedure

QUESTIONS PRESENTED

1. Whether the district court should review the unobjected-to report-recommendation for clear error and adopt it.
2. Whether the complaint adequately pleaded a Fourth Amendment unlawful-seizure claim under Federal Rule of Civil Procedure 8 and 42 U.S.C. § 1983.
3. Whether the complaint plausibly alleged that the defendant's threat to arrest plaintiff for trespassing constituted an unreasonable seizure.
4. Whether the complaint adequately pleaded a First Amendment freedom-of-assembly claim where it did not describe the relevant government-owned forum or the speech at issue.
5. Whether claims against the defendant in his official capacity or against the City of Syracuse were adequately pleaded under the municipal-liability requirements of Monell.
6. Whether plaintiff should be granted leave to amend.

HOLDINGS

1. When no party files a specific objection to a magistrate judge's report-recommendation, the district court reviews the recommendation for clear error and may adopt it if no clear error appears on the face of the record.
2. The complaint failed to state a Fourth Amendment unlawful-seizure claim because it did not provide sufficient factual detail under Rule 8 and did not plausibly allege that plaintiff was unlawfully seized.
3. The complaint failed to state a First Amendment claim because it did not provide enough factual information to identify the forum in which the alleged speech or assembly occurred or to determine the applicable level of scrutiny.
4. To state a claim against defendant in his official capacity or against the City of Syracuse, plaintiff had to allege that a municipal policy, custom, failure to train or supervise, or policymaker's deliberate conduct caused the constitutional violation; the complaint did not do so.
5. A pro se plaintiff must be afforded an opportunity to amend at least once when a liberal reading of the complaint gives any indication that a valid claim might be stated.

KEY QUOTATIONS

“When performing such a ‘clear error’ review, ‘the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” (Section II)

“‘a short and plain statement of the claim showing’ why [Plaintiff] is entitled to relief.” (Dkt. No. 5 at 6)

“Plaintiff’s Complaint, Dkt. No. 1, be DISMISSED without prejudice and with leave to amend” (Section IV)

FACTUAL BACKGROUND

Plaintiff alleged that on June 13, 2023, Sergeant Carlos Romain approached him while he was speaking with Syracuse City Councilman Chol Majok in front of Syracuse City Hall. Plaintiff alleged that Romain threatened to arrest him for trespassing if he did not leave the area. The complaint did not provide sufficient details about the alleged threat, any physical contact or weapon, the circumstances of the encounter, the character of the forum in front of City Hall, or any City policy or custom causing the alleged constitutional violations.

PROCEDURAL HISTORY

Plaintiff commenced the action on June 13, 2025, alleging Fourth and First Amendment violations under 42 U.S.C. § 1983 and seeking in forma pauperis status. The magistrate judge granted IFP status and recommended dismissal under 28 U.S.C. § 1915(e), with leave to amend. No objections were filed, so the district court reviewed the recommendation for clear error, adopted it in its entirety, dismissed the complaint without prejudice, and allowed thirty days to amend.

DISPOSITION

dismissed

CASES CITED

- Petersen v. Astrue, 2 F. Supp. 3d 223, 228-29 (N.D.N.Y. 2012)
- Dezarea W. v. Commissioner of Social Security, No. 21-cv-1138, 2023 WL 2552452, at *1 (N.D.N.Y. Mar. 17, 2023)
- Canady v. Commissioner of Social Security, No. 17-cv-367, 2017 WL 5484663, at *1 n.1 (N.D.N.Y. Nov. 14, 2017)
- Govan v. Campbell, 289 F. Supp. 2d 289, 295 (N.D.N.Y. 2003)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Traguth v. Zuck, 710 F.2d 90, 95 (2d Cir. 1983)
- Machicote v. Ercole, No. 06-cv-13320, 2011 WL 3809920, at *2 (S.D.N.Y. Aug. 25, 2011)
- Caldwell v. Petros, No. 22-cv-567, 2022 WL 16918287, at *1 (N.D.N.Y. Nov. 14, 2022)
- Clarke v. County of Broome, No. 10-cv-399, 2012 WL 1005086, at *6-7 (N.D.N.Y. Mar. 23, 2012)
- Foote v. Board of Education of Whitehall Central School District, No. 22-cv-815, 2024 WL 3376651, at *17 (N.D.N.Y. July 11, 2024)
- Frierson v. Reinisch, No. 17-cv-44, 2021 WL 4405911, at *4 (N.D.N.Y. Sept. 27, 2021)
- Frierson v. Troy City School District, 2023 WL 4441980 (2d Cir. July 11, 2023)
- Monell v. Department of Social Services, 436 U.S. 658, 690-91 (1978)
- Dougal v. Lewicki, No. 23-cv-1167, 2023 WL 6430586, at *10 (N.D.N.Y. Oct. 3, 2023)
- Romano v. Lisson, 711 F. App'x 17, 19 (2d Cir. 2017) (summary order)