

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

**Kevin W. Cassaday v. Verizon Inc., Yahoo!, Google, Inc., Facebook,
and AT&T**

Cassaday · No. 25-CV-9251 (LTS) · Decided November 25, 2025

SUMMARY

The Southern District of New York dismisses Kevin W. Cassaday’s in forma pauperis complaint as frivolous and for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B). The court also dismisses any claims seeking criminal prosecution of the defendants and declines to grant leave to amend. In light of Cassaday’s litigation history, the court orders him to show cause within 30 days why he should not be barred from filing future in forma pauperis actions in the court without prior permission.

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK KEVIN W. CASSADAY, Plaintiff, 25-CV-9251 (LTS) -against- ORDER OF DISMISSAL AND VERIZON INC.; YAHOO!; GOOGLE, INC.; TO SHOW CAUSE UNDER FACEBOOK; AT&T, 28 U.S.C. § 1651 Defendants. LAURA TAYLOR SWAIN, Chief United States District Judge: Plaintiff, a resident of Michigan, filed this action pro se. By Order dated November 10, 2025, the Court granted Plaintiff’s request to proceed without prepayment of fees, that is, in forma pauperis (“IFP”).

The Court dismisses this action for the reasons set forth below. **STANDARD OF REVIEW** The Court must dismiss an IFP complaint, or any portion of the complaint, that is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B); see *Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir.

1998). The Court must also dismiss a complaint when the Court lacks subject matter jurisdiction of the claims raised. See Fed. R. Civ. P. 12(h)(3). While the law mandates dismissal on any of these grounds, the Court is obliged to construe pro se pleadings liberally, *Harris v. Mills*, 572 F.3d 66, 72 (2d Cir. 2009), and interpret them to raise the “strongest [claims] that they suggest,” *Triestman v. Fed.*

Bureau of Prisons, 470 F.3d 471, 474 (2d Cir. 2006) (internal quotation marks and citations omitted). But the “special solicitude” in pro se cases, *id.* at 475 (citation omitted), has its limits – to state a claim, pro se pleadings still must comply with Rule 8 of the Federal Rules of Civil

Procedure, which requires a complaint to make a short and plain statement showing that the pleader is entitled to relief BACKGROUND Plaintiff alleges that, since 2018, Verizon Media Inc., Yahoo!

Inc., Google, Inc., Facebook, and AT&T have invaded his privacy, violated his Fourth Amendment rights, engaged in harassment, intimidation, and retaliation, engaged in racketeering activity; and violated federal criminal statutes, 18 USC §§ 1512, 1513, 2701. (ECF 1 at 2, 5.)

The following facts are drawn from the complaint.¹ According to Plaintiff, “email communications between [him] & his now deceased mother were tampered with, changing fonts mid-document into cursive.” (Id. at 13.) In 2109, Plaintiff “initiated a complaint” with Verizon, but “communications ceased” after “Defendants engaged in threatening conduct about ramifications if he [pursued] this any further.” (Id.)

On September 25, 2019, Plaintiff’s “initial concerns” regarding his email exchanges with his mother: happen[ed] again, inversely in attempt to thwart & obstruct justice in attempt to wash out the underlying issues that emails are being manipulated by someone in attempt to cause duress & torment Mr. Cassaday, in violation of interstate commerce, privacy laws & the underlying fact that the Defendants are violating the RICO Act.

(Id.) Verizon then “removed” Plaintiff “as manager from his account and sent a letter to Plaintiff’s “then spouse citing removal & fearmongering her of her husband’s issues presented.” (Id. at 14.) Attempts to arbitrate the matter were “thwarted & obstructed by excessive costs.” (Id.) ¹ The Court quotes from the complaint verbatim. All spelling, grammar, and punctuation are as in the original unless noted otherwise.

Plaintiff claims that Verizon thereafter “divested portions of its assets within Yahoo! Inc. to protect the brand name of Verizon in alleged attempt to limit any liability within the parent company, in furtherance of RICO Act conduct.” (Id.) Plaintiff further asserts that the “adverse conduct fell mostly under a foreign CEO, in which would constitute terrorism like environments for the users of their entities when such poses a threat & continued criminal conduct upon society.” (Id.)

Plaintiff claims that Yahoo! Inc. “engaged in conduct to further their agenda to thwart any credible misconduct of their organization by attempting to assist the US Government in locking away the Plaintiff, under 18 USC §1512(d)(4), sending representatives across state lines to further their obstruction.” (Id. at 15.) He further states that Google, “through its coders are engaged in conduct adverse to their users, & consumer protections in attempt to force those such said users into buying new devices on a regular basis.” Finally, Plaintiff claims that AT&T violated a “cease & desist...in regard to their constant harassment of calling [him] numerous times a day with cold calls that had no actual person.” (Id. at 1-1.)

DISCUSSION Under the IFP statute, a court must dismiss a case if it determines that the action is frivolous or malicious. 28 U.S.C. §1915(e)(2)(B)(i). A claim is “frivolous when either: (1) the factual contentions are clearly baseless, such as when allegations are the product of delusion or fantasy; or (2) the claim is based on an indisputably meritless legal theory.” *Livingston*, 141 F.3d at 437 (internal quotation marks and citation omitted).

Moreover, a court has “no obligation to entertain pure speculation and conjecture.” *Gallop v. Cheney*, 642 F.3d 364, 368 (2d Cir. 2011) (finding as frivolous and baseless allegations that set forth a fantastical alternative history of the September 11, 2001 terrorist attacks).

The Court, after reviewing Plaintiff’s complaint, finds that it lacks any arguable basis in law or in fact. See *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Plaintiff’s factual allegations about random events involving communications entities and social media networks rise to the level of the irrational, and there is no cognizable legal theory on which he may rely.

See *Livingston*, 141 F.3d at 437. Plaintiff’s complaint must therefore be dismissed as frivolous. See 28 U.S.C. § 1915(e)(2)(B)(i).² Additionally, the Court must dismiss any claims Plaintiff may be asserting under criminal statutes, because he cannot initiate criminal prosecutions. “[T]he decision to prosecute is solely within the discretion of the prosecutor.” *Leeke v. Timmerman*, 454 U.S. 83, 86-87 (1981).

Neither Plaintiff nor the Court can direct prosecutors to initiate a criminal proceeding against anyone because prosecutors possess discretionary authority to bring criminal actions and they are “immune from control or interference by citizen or court.” *Conn. Action Now, Inc. v. Roberts Plating Co.*, 457 F.2d 81, 87 (2d Cir. 1972).

Accordingly, because Plaintiff lacks standing to cause the federal criminal prosecution of others, see *Linda R.S. v. Richard D.*, 410 U.S. 614, 618- 19 (1973), the Court dismisses these claims, see Fed. R. Civ. P. 12(h)(3); *Mahon v. Ticor Title Ins. Co.*, 683 F.3d 59, 62 (2d Cir. 2012). District courts generally grant a pro se plaintiff an opportunity to amend a complaint to cure its defects, but leave to amend is not required where it would be futile.

See *Hill v. Curcione*, 657 F.3d 116, 123–24 (2d Cir. 2011); *Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2d Cir. 1988). Because the defects in Plaintiff’s complaint cannot be cured with an amendment, the Court declines to grant Plaintiff leave to amend his complaint. ² Moreover, as discussed below, Plaintiff has previously sued these defendants, and other courts have alerted him that his allegations do not give rise to any plausible claims for relief.

ORDER TO SHOW CAUSE According to Public Access to Court Electronic Records (“PACER”), Plaintiff has filed upwards of 100 cases in federal district and circuit courts around the country; this and other courts have previously warned him that he could face a filing

injunction if he persisted in engaging in frivolous and duplicative litigation, and one jurisdiction has already imposed such an injunction.

See *Cassaday v. Trump*, No. 25-CV-10374, 2025 WL 2997856, at *3 (E.D. Mich. Oct. 24, 2025) (listing cases and noting that Plaintiff “has filed and had dismissed numerous other actions across this District for frivolousness, failure to state a claim, immunity, or procedural default” and warning him that “continued submission of frivolous or duplicative lawsuits will result in an order barring further filings without prior leave of court.”); *Cassaday v. Verizon Media Inc.*, No. 25-CV-10276, 2025 WL 763571, at *1 (E.D.

Mich. Feb. 27, 2025) (adopting report and recommendation and dismissing claims against Verizon and Yahoo! as “incomprehensible and largely delusional.”); *Cassaday v. Dow Chemical Co.*, No. 25-MC- 50020, 2025 WL 242477, at *2 (E.D. Mich., Jan. 17, 2025) (closing miscellaneous case and instructing Plaintiff that if he “wish[ed] to assert civil claims, he must file a complaint, as he has done pro se many times.”); *Cassaday v. AT&T Inc.*, No. 21-CV-715, 2021 WL 6063360, at *1 (W.D.

Mich., Dec. 22, 2021) (dismissing for lack of merit claims that AT&T and others violated a cease-and-desist email); *Cassaday v. Facebook, Inc.*, No. 21-CV-714, 2021 WL 5967129, at *2 (W.D. Mich., 2021) (holding that Plaintiff’s allegations that Facebook and Google were “spying on him and fraudulently obtaining personal information from his phone” were conclusory and failed “to ‘state a claim to relief that is plausible on its face.’”); *Cassaday v. Pfizer Inc.*, No. 21- CV-8886 (LTS), 2021 WL 5166890, at *3 (S.D.N.Y.

Nov. 5, 2021) (dismissing complaint as frivolous and warning Plaintiff that further frivolous or vexatious litigation in this court would “result in an order barring Plaintiff from filing new actions IFP in this court, without prior permission” under 28 U.S.C. § 1651); *Cassaday v. United States Gov’t*, No. 1:21-CV-0708, 2021 WL 3928669 (W.D. Mich. Sept. 2, 2021) (adopting report and recommendation and barring Plaintiff from filing IFP in that court without prior leave).³ In light of this litigation history, Plaintiff is ordered to show cause why he should not be barred from filing any further actions in this court IFP without first obtaining permission from the court to file his complaint.

See *Moates v. Barkley*, 147 F.3d 207, 208 (2d Cir. 1998) (per curiam) (“The unequivocal rule in this circuit is that the district court may not impose a filing injunction on a litigant sua sponte without providing the litigant with notice and an opportunity to be heard.”). Within 30 days of the date of this order, Plaintiff must submit to the court a declaration setting forth good cause why an injunction should not be imposed upon him.

If Plaintiff fails to submit a declaration within the time directed, or if Plaintiff’s declaration does not set forth good cause why this injunction should not be entered, he will be barred from filing

any further actions IFP in this court unless he first obtains permission from this court to do so.
CONCLUSION The Court dismisses this action as frivolous and for failure to state a claim upon which relief may be granted.

See 28 U.S.C. § 1915(e)(2)(B)(i), (ii). Plaintiff shall have 30 days to show cause by declaration why an Order should not be entered barring him from filing any future action IFP in this court without prior permission. A declaration form is attached to this Order. 3 Plaintiff, who is not currently incarcerated, is barred under the Prison Litigation Reform Act, 28 U.S.C. § 1915(g), from filing any new action IFP while he is a prisoner, unless he alleges that he is under imminent threat of serious physical injury.

See *Cassaday v. Brozanski*, No. 23- CV-550, 2023 WL 3860219, at *2 (W.D. Mich. June 7, 2023) (listing strikes). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, IFP status is denied for the purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED. Dated: November 24, 2025 New York, New York /s/ Laura Taylor Swain
LAURA TAYLOR SWAIN Chief United States District Judge UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK Write the first and last name of each plaintiff or petitioner. Case No. CV -against- Write the first and last name of each defendant or respondent.
DECLARATION Briefly explain above the purpose of the declaration, for example, “in Opposition to Defendant’s Motion for Summary Judgment,” or “in Response to Order to Show Cause.” I,, declare under penalty of perjury that the following facts are true and correct: In the space below, describe any facts that are relevant to the motion or that respond to a court order.

You may also refer to and attach any relevant documents. Attach additional pages and documents if necessary. Executed on (date) Signature Name Prison Identification # (if incarcerated) Address City State Zip Code Telephone Number (if available) E-mail Address (if available)