

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Holly Jarvis v. William D’Angelo and Marpat, LLC

5:25-CV-0648 (GTS/ML) · No. 5:25-CV-0648 (GTS/ML) · Decided March 25, 2026

SUMMARY

The United States District Court for the Northern District of New York adopted a magistrate judge’s recommendation to dismiss Holly Jarvis’s original complaint without prejudice for lack of subject-matter jurisdiction. The court rejected Plaintiff’s objection that the complaint plausibly alleged violations of the Fair Housing Act. Plaintiff was given 30 days to confirm reliance on her existing amended complaint or file a revised amended complaint.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Glenn T. Suddaby
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	March 25, 2026
DOCKET	5:25-CV-0648 (GTS/ML)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report-Recommendation recommending dismissal of Plaintiff's civil rights Complaint without prejudice and with leave to amend for lack of subject-matter jurisdiction, Plaintiff's objections, and Plaintiff's Amended Complaint.
STANDARD OF REVIEW	The court found no error in the portions of the Report-Recommendation specifically objected to and no clear error in the remaining portions.
PRECEDENTIAL VALUE	Unknown

TOPICS

- subject matter jurisdiction
- pleadings
- civil rights
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the magistrate judge's Report-Recommendation recommending dismissal without prejudice for lack of subject-matter jurisdiction should be adopted.
2. Whether Plaintiff's original Complaint plausibly alleged a claim under the Fair Housing Act.
3. What opportunity Plaintiff should receive to proceed with or revise her Amended Complaint before further pleading-sufficiency review.

HOLDINGS

1. The district court accepted and adopted the magistrate judge's Report-Recommendation in its entirety because it found no error in the specifically objected-to portions and no clear error in the remaining portions.
2. Even when construed with the utmost special leniency, the factual allegations of Plaintiff's original Complaint did not plausibly suggest a claim under the Fair Housing Act.
3. Plaintiff was given thirty days either to confirm that she intended to proceed on the Amended Complaint already filed or to file a revised Amended Complaint; if she did either, the Amended Complaint would be referred to the magistrate judge for further review.

KEY QUOTATIONS

“even when construed with the utmost of special leniency, the factual allegations of Plaintiff’s original Complaint do not plausibly suggest a claim under the Fair Housing Act.” (1)

“Plaintiff either (1) files a letter to the Court stating that she intends to rely on her Amended Complaint filed on January 13, 2026 (Dkt. No. 22), or (2) files a revised Amended Complaint” (2)

FACTUAL BACKGROUND

Plaintiff Holly Jarvis filed a pro se civil rights action against William D’Angelo and Marpat, LLC. She argued that, liberally construed, her original Complaint alleged facts plausibly suggesting violations of the Fair Housing Act. The district court concluded that even under the utmost special leniency, the original Complaint did not plausibly suggest a Fair Housing Act claim.

PROCEDURAL HISTORY

Magistrate Judge Miroslav Lovric recommended dismissal of the Complaint without prejudice and with leave to amend for lack of subject-matter jurisdiction. Plaintiff objected and argued that her Complaint plausibly alleged a Fair Housing Act violation. The district court adopted the Report-Recommendation in its entirety, conditionally dismissed the original Complaint, and gave Plaintiff thirty days either to confirm reliance on her existing Amended Complaint or to file a revised Amended Complaint.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

No remand was ordered. Within thirty days of entry of the Decision and Order, Plaintiff must either file a letter confirming that she intends to rely on the Amended Complaint filed January 13, 2026, or file a revised Amended Complaint. If she does either, the Amended Complaint shall be referred to Magistrate Judge Lovric for further review pursuant to 28 U.S.C. § 1915.

CASES CITED

- *Cresci v. Mohawk Valley Community College*, 693 F. App'x 21, 25 (2d Cir. June 2, 2017)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

(GTS/ML) WILLIAM D'ANGELO; and MARPAT, LLC, Defendants.

APPEARANCES: HOLLY JARVIS Plaintiff,
Pro Se 105 Rider Ave, #1 Syracuse, New York 13207 GLENN T. SUDDABY, United States
District Judge DECISION and ORDER Currently before the Court, in this pro se civil rights action
filed by Holly Jarvis ("Plaintiff") against William D'Angelo and Marpat, LLC ("Defendants") are
(1) United States Magistrate Judge Miroslav Lovric's Report-Recommendation recommending
that Plaintiff's Complaint be dismissed without prejudice and with leave to amend for lack of
subject-matter jurisdiction, (2) Plaintiff's Objection to the Report-Recommendations, and (3)
Plaintiff's Amended Complaint.

(Dkt. Nos. 20, 21, 22.) After carefully reviewing the relevant papers herein, including Magistrate
Judge Lovric's thorough Report-Recommendation, the Court can find no error in the portions of
the Report- Recommendation to which Plaintiff has specifically objected, and no clear error in the
remaining 1 portions of the Report-Recommendation: Magistrate Judge Lovric employed the
proper standards, accurately recited the facts, and reasonably applied the law to those facts.

As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons
stated therein. To those reasons, the Court adds only two brief points. First, in her Objection,
Plaintiff argues that dismissal is not warranted because, liberally construed, her original Complaint
alleges facts plausibly suggesting a violation of the Fair Housing Act, 42 U.S.C. §§ 3604 and
3617.

(Dkt. No. 22.) The Court disagrees: even when construed with the utmost of special leniency, the
factual allegations of Plaintiff's original Complaint do not plausibly suggest a claim under the Fair
Housing Act. (See generally Dkt. No. 1.)

Second, before it may refer Plaintiff's Amended Complaint to Magistrate Judge Lovric for his review of its pleading sufficiency, the Court must confirm with Plaintiff that she indeed intends to proceed on her Amended Complaint in this action. This is because, when she filed her Amended Complaint, Plaintiff did not yet have the benefit of the Court's Decision and Order on Magistrate Judge Lovric's Report-Recommendation.

Cf. *Cresci v. Mohawk Valley Community College*, 693 F. App'x 21, 25 (2d Cir. June 2, 2017) ("The court's criticism of Cresci for failure to submit a proposed amended complaint before learning whether, and in what respects, the court would find deficiencies was unjustified, and the court's denial of leave to replead, simultaneously with its decision that the complaint was defective, effectively deprived Cresci of a reasonable opportunity to seek leave to amend.").

As a result, the Court will give Plaintiff a reasonable opportunity to either (1) confirm that she indeed intends to proceed on her Amended Complaint (Dkt. No. 22), or (2) file a revised Amended Complaint. 2 ACCORDINGLY, it is ORDERED that Magistrate Judge Lovric's Report-Recommendation (Dkt. No. 21) is ACCEPTED and ADOPTED in its entirety; and it is further ORDERED that Plaintiff's Complaint (Dkt.

No. 1) shall be DISMISSED without prejudice and without further Order of this Court, unless, within THIRTY (30) DAYS of the entry of this Decision and Order, Plaintiff cures the pleading defects identified in the Report- Recommendation; and it is further ORDERED that, within the above-described 30-day time period, Plaintiff either (1) files a letter to the Court stating that she intends to rely on her Amended Complaint filed on January 13, 2026 (Dkt.

No. 22), or (2) files a revised Amended Complaint; and it is further ORDERED that, should Plaintiff do either of the above-described two things, her Amended Complaint shall be referred to Magistrate Judge Lovric for further review pursuant to 28 U.S.C. § 1915. Dated: March 24, 2026
he Ydohty— Syracuse, New York HON. GLENNT.SUDDABY United States District Judge