

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Donald Lee v. Karen Heggen, Prosecutor

Lee v. Heggen · No. 1:25-CV-1248 (GTS/DJS) · Decided February 25, 2026

SUMMARY

The United States District Court for the Northern District of New York adopted a magistrate judge’s Report-Recommendation and dismissed Donald Lee’s amended civil rights complaint against prosecutor Karen Heggen. The court held that prosecutorial immunity supported dismissal for failure to state a claim under Rule 12(b)(6), and dismissed the amended complaint with prejudice.

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	February 25, 2026
DOCKET	1:25-CV-1248 (GTS/DJS)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report-Recommendation recommending sua sponte dismissal of Plaintiff's amended civil-rights complaint under 28 U.S.C. § 1915(e)(2)(B). With no objection filed, the district court conducted clear-error review, adopted the recommendation, and dismissed the amended complaint.
STANDARD OF REVIEW	Clear-error review of the unobjected-to portions of a magistrate judge's Report-Recommendation under Fed. R. Civ. P. 72(b).
PRECEDENTIAL VALUE	Unknown; district court decision with no reported citation
PARTIES	Donald Lee v. Karen Heggen, Prosecutor

TOPICS

- section 1983
- civil rights
- motions to dismiss
- pleadings
- subject matter jurisdiction

PRACTICE AREAS

- civil rights
- federal civil procedure
- constitutional litigation

QUESTIONS PRESENTED

1. Whether the magistrate judge's Report-Recommendation should be accepted under clear-error review when Plaintiff filed no objection.
2. Whether prosecutorial immunity is a jurisdictional basis for dismissal under Fed. R. Civ. P. 12(b)(1) or instead a failure-to-state-a-claim basis under Rule 12(b)(6).
3. Whether dismissal based on prosecutorial immunity could be entered with prejudice after Plaintiff had already amended his complaint.
4. Whether the alternative failure-to-allege-personal-involvement ground warranted dismissal without prejudice and another opportunity to amend.

HOLDINGS

1. When no objection is made to a magistrate judge's Report-Recommendation, the district court reviews it for clear error and may accept it if no clear error appears on the face of the record.
2. Prosecutorial immunity is not a jurisdictional ground for dismissal under Fed. R. Civ. P. 12(b)(1); it is an affirmative immunity treated as a failure-to-state-a-claim issue under Rule 12(b)(6).
3. A dismissal based on prosecutorial immunity may be entered with prejudice when further amendment would not cure the pleading defect, and the district court dismissed Plaintiff's Amended Complaint with prejudice.
4. Even if dismissal were based on failure to allege Defendant's personal involvement, the court would be reluctant to dismiss without prejudice and permit another amendment because Plaintiff had already amended once as a matter of course.

KEY QUOTATIONS

“prosecutorial immunity is not a jurisdictional ground for dismissal.” (at 1)

“prosecutorial immunity is treated as a common law immunity available upon a Rule 12(b)(6) motion.” (at 1-2)

FACTUAL BACKGROUND

Donald Lee brought a pro se civil-rights action against prosecutor Karen Heggen alleging violations of the Fourth, Eighth, and Fourteenth Amendments. After Lee amended his complaint, the magistrate judge recommended sua sponte dismissal, concluding that prosecutorial immunity defeated the claims and that the pleading defect could not be cured by another amendment.

PROCEDURAL HISTORY

Plaintiff filed a pro se civil-rights action and then amended his complaint. Magistrate Judge Daniel J. Stewart recommended sua sponte dismissal under 28 U.S.C. § 1915(e)(2)(B), principally based on prosecutorial immunity and alternatively on failure to allege Defendant's personal involvement. Plaintiff filed no objection, and the district court accepted and adopted the Report-Recommendation in its entirety and dismissed the Amended Complaint.

DISPOSITION

dismissed

CASES CITED

- Batista v. Walker, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995)
- Golden v. City of New York, 24-CV-5759, 2025 WL 2055697, at *7 (S.D.N.Y. July 7, 2025)
- Lee v. Finn, 22-CV-1152, 2023 WL 6796425, at *4 n.5 (N.D.N.Y. Oct. 13, 2023)
- Tigano v. United States, 527 F. Supp. 3d 232, 243 n.4 (E.D.N.Y. 2021)

OPINION

Heggen

PER CURIAM.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

DONALD LEE,

Plaintiff, 1:25-CV-1248

v. (GTS/DJS)

KAREN HEGGEN, Prosecutor, Defendant. _____

APPEARANCES:

DONALD LEE, 11037

Plaintiff, Pro Se Warren County Correctional Facility 1400 State Route 9 Lake George, New York 12845 GLENN T. SUDDABY, United States District Judge DECISION and ORDER Currently before the Court, in this pro se civil rights action filed by Donald Lee (“Plaintiff”) against prosecutor Karen Heggen (“Defendant”), alleging constitutional violations under the Fourth, Eighth and Fourteenth Amendments, is United States Magistrate Judge Daniel J. Stewart’s Report-Recommendation recommending that Plaintiff’s Amended Complaint be sua sponte dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B). (Dkt. No. 9.) Plaintiff has not filed an Objection to the Report-Recommendation, and the time in which to do so has expired. (See generally Docket Sheet.) After carefully reviewing the relevant papers herein, including Magistrate Judge Stewart’s thorough Report-Recommendation, the Court can find no clear error in the Report- 1 Recommendation:1 Magistrate Judge Stewart 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 the following analysis. Magistrate Judge Stewart is correct in treating a dismissal based on the doctrine of prosecutorial immunity as one for failure to state a claim under Fed. R. Civ. P. 12(b)(6) (which may be rendered with prejudice), and not as one for lack of subject-matter jurisdiction

under Fed. R. Civ. P. 12(b)(1) (which generally must be rendered without prejudice).² Magistrate Judge Stewart is also correct in finding that the permitting Plaintiff to again amend his operative pleading in this action would not cure this pleading defect in his already amended operative pleading. As a result, the dismissal of Plaintiff's Amended Complaint may be, and is, rendered with prejudice. Finally, even if the Court were to base its dismissal on the alternative ground 1

When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. 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." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted). 2 See, e.g., *Golden v. City of New York*, 24-CV-5759, 2025 WL 2055697, at *7 (S.D.N.Y. July 7, 2025) ("[P]rosecutorial immunity is not a jurisdictional ground for dismissal."); *Lee v. Finn*, 22-CV-1152, 2023 WL 6796425, at *4 n.5 (N.D.N.Y. Oct. 13, 2023) (Sannes, C.J.) ("[P]rosecutorial immunity, as with other absolute immunities, is an affirmative defense rather than a question of jurisdiction."); *Tigano v. United States*, 527 F.Supp.3d 232, 243, n.4 (E.D.N.Y. 2021) ("Though Defendants characterize prosecutorial immunity as a jurisdictional ground for dismissal under Rule 12(b)(1), prosecutorial immunity is treated as a common law immunity available upon a Rule 12(b)(6) motion."). 2 offered by Magistrate Judge Stewart (i.e., the failure to allege facts plausibly suggesting Defendant's personal involvement), the Court would be reluctant to render that dismissal without prejudice to amendment within a specified time period, given that Plaintiff has already exercised his right to amend his operative pleading "once as a matter of course" under Fed. R. Civ. P. 15(a)(1). ACCORDINGLY, it is ORDERED that Magistrate Judge Stewart's Report-Recommendation (Dkt. No. 9) is ACCEPTED and ADOPTED in its entirety; and it is further ORDERED that Plaintiff's Amended Complaint (Dkt. No. 5) is DISMISSED. Dated: February 25, 2026 Syracuse, New York U.S. District Judge