

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Mark Davies, Samantha Davies, Adrienne Davies, and David Davies
v. Town of Hempstead, et al.

No. 26-cv-5134 (NJC)(JMW) · No. 26-cv-5134 (NJC)(JMW) · Decided February 9, 2026

SUMMARY

The United States District Court for the Eastern District of New York grants the pro se plaintiffs’ renewed motions to proceed in forma pauperis and orders the United States Marshals Service to serve the summonses and complaint. The Court also invokes *Valentin v. Dinkins* to request assistance from relevant government and corporate counsel in identifying unnamed defendants, and denies in forma pauperis status for any appeal.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Nusrat J. Choudhury
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	February 9, 2026
DOCKET	26-cv-5134 (NJC)(JMW)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs filed renewed motions to proceed in forma pauperis in connection with their civil-rights Complaint. The district court granted the motions, screened the Complaint under 28 U.S.C. § 1915(e), ordered service, and directed public and private entities to assist in identifying unnamed defendants.
STANDARD OF REVIEW	The court reviewed the renewed IFP filings and screened the Complaint under 28 U.S.C. § 1915(e).
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Mark Davies, Samantha Davies, Adrienne Davies, David Davies v. Town of Hempstead, other defendants

TOPICS

service of process

civil procedure

civil rights

municipal law

PRACTICE AREAS

civil procedure

civil rights

municipal law

QUESTIONS PRESENTED

1. Whether plaintiffs qualified to proceed in forma pauperis.
2. Whether the Complaint should be screened under 28 U.S.C. § 1915(e) and process issued for service.
3. Whether the district court should direct governmental and private entities to assist pro se plaintiffs in identifying unnamed defendants.
4. Whether plaintiffs should receive IFP status for an appeal from the Order.

HOLDINGS

1. The court granted plaintiffs' renewed motions to proceed in forma pauperis.
2. After screening the Complaint under 28 U.S.C. § 1915(e), the court ordered issuance and service of the summonses and signed Complaint by the United States Marshals Service.
3. The court directed the Nassau County Attorney, Hempstead Town Attorney, and General Counsel for National Grid to attempt to identify unnamed defendants and provide their names and service addresses to the court and plaintiffs.
4. The court denied IFP status for any appeal because it certified that an appeal from the Order would not be taken in good faith.

KEY QUOTATIONS

“The USMS shall file returns of service within two weeks of the completion of service.” (at 1)

“This Order merely provides a means by which Plaintiffs may name and properly serve the defendants as instructed by the Second Circuit in Valentin.” (at 1–2)

FACTUAL BACKGROUND

The Complaint alleges events occurring on or about September 19, 2022 involving unidentified individuals allegedly employed by the Nassau County Police Department, the Town of Hempstead, and/or National Grid. Because several defendants were unidentified, the court directed the relevant governmental and private entities' counsel to assist in determining their identities and service addresses.

PROCEDURAL HISTORY

Plaintiffs filed an original complaint on September 12, 2025, signed only by Mark Davies, and then filed the operative Complaint on September 15, 2025, signed by all four plaintiffs. Plaintiffs filed renewed IFP motions on December 15, 2025. After reviewing the motions and screening the Complaint, the court granted IFP status,

directed the Clerk and United States Marshals Service to issue and serve process, and denied IFP status for any appeal as not taken in good faith.

DISPOSITION

other

CASES CITED

- Valentin v. Dinkins, 121 F.3d 72, 75–76 (2d Cir. 1997) (per curiam)
- Doe #1 v. 2001 Arthur LLC, No. 24-cv-9542, 2025 WL 831594, at *1 (S.D.N.Y. Feb. 11, 2025)
- Peterec v. TGI Fridays, Inc., No. 7:23-cv-8028, 2023 WL 6960347, at *2 (S.D.N.Y. Oct. 19, 2023)
- Coppedge v. United States, 369 U.S. 438, 444–45 (1962)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK Mark Davies, Samantha Davies, Adrienne Davies, and David Davies, Plaintiffs, 26-cv-5134 -v- (NJC)(JMW) Town of Hempstead, et al., Defendants. ORDER NUSRAT J. CHOUDHURY, United States District Judge: Before the Court are the renewed motions to proceed in forma pauperis (“IFP”) filed on December 15, 2025 by pro se plaintiffs Mark Davies, Samantha Davies, Adrienne Davies, and David Davies (collectively, “Plaintiffs”) in relation to the Complaint, which was filed in this Court on September 15, 2025.¹ (Compl., ECF No. 3; Renewed IFP Mots., ECF Nos. 11-14.)

Upon review of these filings, the Court grants the renewed IFP motions and, upon screening the Complaint in accordance with the requirements of 28 U.S.C. § 1915(e), the Court orders service of the summonses and the signed Complaint by the United States Marshal Service (“USMS”) pursuant to 28 U.S.C. § 1915(d)(“The officers of the court shall issue and serve all process... in [IFP] cases.”).

The Clerk of the Court shall issue a summons to each Defendant and shall forward the summonses and copies of the signed Complaint and this Order to the USMS for service upon the 1 The original complaint filed on September 12, 2025 was signed by only Mark Davies. (ECF No. 1.)

On September 15, 2025, Plaintiffs filed the Complaint signed by each Plaintiff. (ECF No. 3.) The signed Complaint is the operative pleading. 1 Defendants forthwith. The USMS shall file returns of service within two weeks of the completion of service.

However, the USMS will not be able to serve the unidentified defendants without more information. Pursuant to Valentin v. Dinkins, 121 F.3d 72, 75–76 (2d Cir. 1997) (per curiam), the Nassau County Attorney, the Hempstead Town Attorney, and the General Counsel for National Grid are requested to assist with identifying the unnamed defendants who are alleged to be employed by the Nassau County Police Department, the Town of Hempstead, and/or National Grid

and who are alleged to be responsible for the events alleged to have occurred on or about September 19, 2022 or arising therefrom as described in the Complaint.

Accordingly, the Clerk of the Court shall serve a copy of the Complaint together with this order on the Nassau County Attorney, the Hempstead Town Attorney, and General Counsel for National Grid and they are requested to attempt to ascertain the full names of the unidentified defendants and to provide their names and the address(es) where such defendants can be served to the Court and to Plaintiffs within thirty (30) days of the date that this Order is served upon them.

The Nassau County Attorney, the Hempstead Town Attorney, and the General Counsel for National Grid need not undertake to defend or indemnify these individuals at this juncture. This Order merely provides a means by which Plaintiffs may name and properly serve the defendants as instructed by the Second Circuit in *Valentin*.² Once the information is provided to the Court, Plaintiffs' Complaint shall be deemed amended to reflect the full names of the unnamed defendants, a summons shall be issued to each defendant, and the USMS shall effect *Valentin*'s guidance that "a pro se litigant is entitled to assistance from the district court in identifying a defendant" has been extended to private entities.

See, e.g., *Doe #1 v. 2001 Arthur LLC*, No. 24-cv-9542, 2025 WL 831594, at *1 (S.D.N.Y. Feb. 11, 2025) (citing *Valentin*, 121 F.3d at 76); *Peterec v. TGI Fridays, Inc.*, No. 7:23-cv-8028, 2023 WL 6960347, at *2 (S.D.N.Y. Oct. 19, 2023) (same). ² service.

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 any appeal. See *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court shall mail a copy of this Order to Plaintiffs at their address of record and shall note such mailing on the docket. Dated: Central Islip, New York February 9, 2026 /s/ Nusrat J. Choudhury NUSRAT J. CHOUDHURY United States District Judge 3