

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Tadd A. Sherwood v. Daniel P. Mazzarella, et al.

Sherwood · No. 6:25-CV-1825 (AMN/DJS) · Decided April 7, 2026

SUMMARY

This Report-Recommendation and Order addresses a pro se plaintiff’s 42 U.S.C. § 1983 claims alleging violations of the Fourth, Eighth, and Fourteenth Amendments arising from encounters and arrests involving New York State Police personnel. The court recommends dismissal of claims against defendants not connected to specific factual allegations, while permitting the remaining claims to proceed and allowing plaintiff an opportunity to amend.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Daniel J. Stewart, United States Magistrate Judge
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	April 7, 2026
DOCKET	6:25-CV-1825 (AMN/DJS)
DISPOSITION	other
PROCEDURAL POSTURE	Report-recommendation and order on initial screening of a pro se 42 U.S.C. § 1983 complaint filed in forma pauperis under 28 U.S.C. § 1915(e)(2).
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the Court must dismiss an in forma pauperis action that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. On screening, the Court applies Federal Rule of Civil Procedure 8 and assesses whether the complaint alleges an arguable, facially plausible claim, accepting well-pleaded factual allegations as true but not legal conclusions. Pro se pleadings receive liberal construction and special solicitude.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- section 1983
- pleadings
- motions to dismiss
- civil procedure

PRACTICE AREAS

civil rights

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed at initial screening under 28 U.S.C. § 1915(e)(2) for failure to state a claim against defendants against whom no specific acts or wrongdoing were alleged.
2. Whether plaintiff should be granted leave to amend the complaint to add factual allegations against those defendants.
3. Whether the remaining allegations were sufficient at the screening stage to warrant service and a responsive pleading.

HOLDINGS

1. A complaint that does not identify particular acts by a defendant or explain how those acts were illegal fails to satisfy Federal Rule of Civil Procedure 8 and may be dismissed as to that defendant.
2. When a liberal reading of a pro se complaint indicates that a valid claim might be stated, dismissal should ordinarily be accompanied by leave to amend.
3. At the initial screening stage, the complaint need only allege an arguable and facially plausible claim; the Court does not decide whether plaintiff will ultimately prevail or whether the complaint would survive a properly filed motion.

KEY QUOTATIONS

“A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” (at 2)

“A court should avoid dismissal of complaints filed by individuals proceeding pro se without first granting leave to amend “when a liberal reading of the complaint gives any indication that a valid claim might be stated.”” (at 4)

FACTUAL BACKGROUND

Plaintiff alleged that, between 2022 and 2025, he had numerous encounters with named New York State Police members that resulted in several arrests. He alleged unlawful stops and searches, improper questioning, and the use of a private citizen to obtain evidence against him. Twelve named defendants were not connected to any specific factual allegations or identified wrongdoing in the complaint.

PROCEDURAL HISTORY

Plaintiff filed a pro se complaint alleging Fourth, Eighth, and Fourteenth Amendment violations arising from encounters with New York State Police personnel. The Court granted plaintiff leave to proceed in forma pauperis by separate order and screened the complaint. It recommended dismissal as to twelve defendants against whom the complaint alleged no specific wrongdoing, while permitting plaintiff to amend and allowing the claims

against the remaining defendants to proceed to responsive pleading. The parties were given fourteen days to object under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- Nance v. Kelly, 912 F.2d 605, 606 (2d Cir. 1990) (per curiam)
- Anderson v. Coughlin, 700 F.2d 37, 41 (2d Cir. 1983)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-70 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Neitzke v. Williams, 490 U.S. 319, 325 (1989)
- Powell v. Marine Midland Bank, 162 F.R.D. 15, 16 (N.D.N.Y. 1995)
- Branum v. Clark, 927 F.2d 698, 704-05 (2d Cir. 1991)
- Tracy v. Freshwater, 623 F.3d 90, 101 (2d Cir. 2010)
- Rosa v. Doe, 86 F.4th 1001, 1007 (2d Cir. 2023)
- Hardaway v. Hartford Pub. Works Dep't, 879 F.3d 486, 489 (2d Cir. 2018)
- Hill v. Curcione, 657 F.3d 116, 122 (2d Cir. 2011)
- Roldan v. Racette, 984 F.2d 85, 89 (2d Cir. 1993)
- Small v. Sec'y of Health and Human Servs., 892 F.2d 15 (2d Cir. 1989)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK TADD A. SHERWOOD, Plaintiff, 6:25-CV-1825 V. (AMN/DJS) DANIEL P. MAZZARELLA, et al., Defendants. APPEARANCES: TADD A. SHERWOOD Plaintiff, Pro Se Oneonta, New York 13403 DANIEL J. STEWART United States Magistrate Judge REPORT-RECOMMENDATION and ORDER Plaintiff pro se filed this Complaint asserting a claim under 42 U.S.C. § 1983 for violations of the Fourth, Eighth, and Fourteenth Amendments.

Dkt. No. 1, Compl., p. 10. Plaintiff has filed an application for leave to proceed in forma pauperis, Dkt. No. 6, which this Court has granted by separate order. The Complaint sets forth an intensely fact- specific recitation of events between 2022 and 2025, involving numerous encounters with named members of the New York State Police which resulted in Plaintiff being arrested on several occasions.

See generally Compl. Plaintiff alleges, among other things, that he _l- was unlawfully stopped and searched, improperly questioned, and that a private citizen was enlisted to obtain evidence against him. /d. I. GOVERNING LEGAL STANDARD 28 U.S.C. § 1915(e) directs that, when a plaintiff seeks to proceed in forma pauperis, “(2)... the court shall dismiss the case at any time if the court

determines that —...(B) the action... (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B).!

In reviewing a pro se complaint, the court has a duty to show liberality toward pro se litigants, see *Nance v. Kelly*, 912 F.2d 605, 606 (2d Cir. 1990) (per curiam), and should exercise “extreme caution... in ordering sua sponte dismissal of a pro se complaint before the adverse party has been served and both parties (but particularly the plaintiff) have had an opportunity to respond.” *Anderson v. Coughlin*, 700 F.2d 37, 41 (2d Cir.

1983). Therefore, a court should not dismiss a complaint if the plaintiff has stated “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the ' To determine whether an action is frivolous, a court must look to see whether the complaint “lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 SS 319, 325 (1989). defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell Atl.*

Corp. v. Twombly, 550 U.S. at 556). Although a court should construe the factual allegations in the light most favorable to the plaintiff, “the tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions.” *Jd.* “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Id.* (citing *Bell Atl.*

Corp. v. Twombly, 550 U.S. at 555). “[W]here the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged - but it has not show[n] - that the pleader is entitled to relief.” □□□ at 679 (quoting FED. R. CIV. P. 8(a)(2)). Rule 8 of the Federal Rules of Civil Procedure “demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556 U.S. at 678 (citing *Bell Atl.*

Corp. v. Twombly, 550 U.S. at 555). Thus, a pleading that only “tenders naked assertions devoid of further factual enhancement” will not suffice. /d. (internal quotation marks and alterations omitted). II. ANALYSIS wn A court’s initial review of a complaint under § 1915(e) must encompass the applicable standards of the Federal Rules of Civil Procedure. Rule 8 of the Federal Rules of Civil Procedure provides that a pleading must contain: (1) a short and plain statement of the grounds for the court’s jurisdiction.. -3- (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought, which may include relief in the alternative or different types of relief.

FED. R. CIV. P. 8(a). The purpose of Rule 8 “is to give fair notice of the claim being | asserted so as to permit the adverse party the opportunity to file a responsive answer [and] prepare an

adequate defense.” *Powell v. Marine Midland Bank*, 162 F.R.D. 15, 16 (N.D.N.Y. 1995) (citations and internal alterations omitted). Twelve of the individuals named by Plaintiff as Defendants have no specific factual allegations made against them in the Complaint.

Those individuals, Skinner, Hicks, Parslow, Marshall, Greenman, Burkert, Brown, Marinelli, Gombosi, Bajrektarevic, Casale, and Asbach, are not alleged “to have engaged in any specific wrongdoing. Where, as here, the pleading “does not provide an adequate description of the particular acts by the defendant which led to this suit or an explanation of how such acts were illegal” dismissal is appropriate.

Powell v. Marine Midland Bank, 162 F.R.D. at 16. The Complaint, therefore, should be dismissed as to them. A court should avoid dismissal of complaints filed by individuals proceeding pro se without first granting leave to amend “when a liberal reading of the complaint gives any indication that a valid claim might be stated.” *Branum v. Clark*, 927 F.2d 698, 704- 05 (2d Cir.

1991). Because Plaintiff may be able to make allegations against these 4- Defendants, the Court recommends that he be permitted to amend his Complaint to do so if he wishes. The Second Circuit has made clear that “a court is ordinarily obligated to afford a special solicitude to pro se litigants.” *Tracy v. Freshwater*, 623 F.3d 90, 101 (2d Cir. 2010) “This special solicitude most often consists of liberal construction of pleadings, motion papers, and appellate briefs.” *Rosa v. Doe*, 86 F.4th 1001, 1007 (2d Cir.

2023) (internal quotation and citation omitted). As a result, this Court should “afford a pro se litigant ‘special solicitude’ by interpreting a complaint filed pro se ‘to raise the strongest claims that it suggests.’” *Hardaway v. Hartford Pub. Works Dep’t*, 879 F.3d 486, 489 (2d Cir. 2018) (quoting *Hill v. Curcione*, 657 F.3d 116, 122 (2d Cir. 2011)).

In light of these standards, the Complaint contains sufficient allegations to warrant a responsive pleading from the remaining Defendants. The scope of review here is limited to whether Plaintiff has alleged an arguable claim, not whether Plaintiff can ultimately prevail. Nor does this Order address whether Plaintiff’s Complaint would be sufficient to avoid dismissal upon the filing of a proper motion.

I. CONCLUSION For the reasons stated herein, it is hereby RECOMMENDED, that Plaintiff’s Complaint be DISMISSED as set forth above, but otherwise permitted to proceed; and it is 5- ORDERED, that the Clerk of the Court serve a copy of this Report- Recommendation and Order upon the parties to this action. Pursuant to 28 U.S.C. § 636(b)(1), the parties have fourteen (14)? days within which to file written objections to the foregoing report.

Such objections shall be filed with the Clerk of the Court. FAILURE TO OBJECT TO THIS REPORT WITHIN FOURTEEN (14) DAYS WILL PRECLUDE APPELLATE REVIEW. *Roldan v. Racette*, 984 F.2d 85, 89 (2d Cir. 1993) (citing *Small v. Sec’y of Health and Human Servs.*, 892

F.2d 15 (2d Cir. 1989)); see also 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72 & 6(a). Dated: April 7, 2026 Albany, New York US-Magistrate Judge 2 If you are proceeding pro se and are served with this Order by mail, three additional days will be added to the fourteen-day period, meaning that you have seventeen days from the date the order was mailed to you to serve and file objections.

FED. R. Civ. P. 6(d). If the last day of that prescribed period falls on a Saturday, Sunday, or legal holiday, then the deadline is extended until the end of the next day that is not a Saturday, Sunday, or legal holiday. FED. R. CIV. P. 6(a)(1)(C). -6-