

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Shymel Codio v. Bailey House Inc. and Housing Works Inc.

Codio · No. 25-CV-7027 (PKC) (TAM) · Decided February 3, 2026

SUMMARY

The Eastern District of New York dismisses pro se Plaintiff Shymel Codio’s complaint against Bailey House Inc. and Housing Works Inc. without prejudice for lack of subject matter jurisdiction. The court finds no constitutional right to housing, and concludes that Plaintiff failed to establish either federal-question or diversity jurisdiction; the court grants in forma pauperis status but denies it for any appeal.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Pamela K. Chen
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	February 3, 2026
DOCKET	25-CV-7027 (PKC) (TAM)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff filed a civil-rights action seeking housing and monetary damages. The court granted in forma pauperis status and sua sponte dismissed the complaint without prejudice for lack of subject matter jurisdiction.
STANDARD OF REVIEW	The court liberally construed the pro se complaint and accepted factual allegations as true, but disregarded legal conclusions. It considered sua sponte whether subject matter jurisdiction existed and applied the plausibility standard under Federal Rule of Civil Procedure 8 and the jurisdictional requirements of 28 U.S.C. §§ 1331 and 1332.
PRECEDENTIAL VALUE	unpublished
PARTIES	Shymel Codio v. Bailey House Inc., Housing Works Inc.

TOPICS

- subject matter jurisdiction
- pleadings
- section 1983
- civil rights
- constitutional law

PRACTICE AREAS

civil procedure

civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether the complaint plausibly invoked federal-question jurisdiction by alleging a federal constitutional right to housing.
2. Whether the complaint invoked diversity jurisdiction when it alleged no non-speculative amount in controversy exceeding \$75,000 and showed that all parties were New York citizens.
3. Whether the complaint should be dismissed without prejudice for lack of subject matter jurisdiction and whether leave to amend should be denied as futile.

HOLDINGS

1. The complaint did not establish federal-question jurisdiction because the Constitution does not guarantee access to housing of a particular quality, and plaintiff alleged no other plausible violation of the Constitution, federal laws, or treaties.
2. The complaint did not establish diversity jurisdiction because plaintiff alleged neither an amount in controversy exceeding \$75,000 nor complete diversity of citizenship.
3. The complaint had to be dismissed without prejudice because the court lacked subject matter jurisdiction.
4. Leave to amend was denied because amendment would be futile based on the allegations in the complaint.

KEY QUOTATIONS

“We are unable to perceive in [the Constitution] any constitutional guarantee of access to dwellings of a particular quality Absent constitutional mandate, the assurance of adequate housing and the definition of landlord-tenant relationships are legislative, not judicial, functions”

FACTUAL BACKGROUND

Plaintiff alleged that he was locked out on March 15 and that Bailey House failed to help him. He sought housing and monetary damages from Bailey House and Housing Works, nonprofit organizations providing supportive housing and related services. Plaintiff alleged that he and both defendants were citizens of New York, and he did not allege any amount in controversy. In a prior state action, the Kings County Supreme Court entered a judgment directing defendants to reinstate benefits under a contractual program agreement after their default.

PROCEDURAL HISTORY

Plaintiff previously obtained a judgment in Kings County Supreme Court directing defendants to reinstate benefits under a contractual program agreement after defendants defaulted in that state action. Plaintiff then filed this federal action, asserting a constitutional right to housing and seeking housing and damages. The Eastern District of New York granted IFP status, dismissed the complaint without prejudice for lack of federal-question

and diversity jurisdiction, declined to grant leave to amend as futile, directed entry of judgment and closure of the case, and denied IFP status for any appeal.

DISPOSITION

dismissed

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Matson v. Bd. of Educ., 631 F.3d 57, 63 (2d Cir. 2011)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam)
- Harris v. Mills, 572 F.3d 66, 72 (2d Cir. 2009)
- Jean-Baptiste v. Montway LLC, No. 22-CV-5579 (PKC) (LB), 2022 WL 11213581, at *1 (E.D.N.Y. Oct. 19, 2022)
- Fitzgerald v. First E. Seventh St. Tenants Corp., 221 F.3d 362, 363-64 (2d Cir. 2000)
- Lyndonville Sav. Bank & Trust Co. v. Lussier, 211 F.3d 697, 700-01 (2d Cir. 2000)
- Arbaugh v. Y & H Corp., 546 U.S. 500, 513 (2006)
- Bracey v. Bd. of Educ. of City of Bridgeport, 368 F.3d 108, 113 (2d Cir. 2004)
- Lindsey v. Normet, 405 U.S. 56, 74 (1972)
- Sexton v. Dept. of Homeless Servs., No. 24-CV-8895, 2025 WL 1334605, at *5 (S.D.N.Y. May 7, 2025)
- Johnson v. Fudge, No. 21-CV-9648, 2022 WL 311551, at *2 (S.D.N.Y. Feb. 2, 2022)
- Chase Manhattan Bank, N.A. v. Am. Nat. Bank & Tr. Co. of Chicago, 93 F.3d 1064, 1070 (2d Cir. 1996)
- Tongkook Am., Inc. v. Shipton Sportswear Co., 14 F.3d 781, 784 (2d Cir. 1994)
- Handelsman v. Bedford Vill. Assocs., 213 F.3d 48, 51 (2d Cir. 2000)
- Wimberly v. Atl. Dialysis Mgmt. Servs., LLC, No. 24-CV-9269 (JPO), 2025 WL 1237546, at *8 (S.D.N.Y. Apr. 29, 2025)
- Hill v. Curcione, 657 F.3d 116, 123 (2d Cir. 2011)
- Lehrman v. Lovo, Inc., 790 F. Supp. 3d 348, 388 (S.D.N.Y. 2025)
- Coppedge v. United States, 369 U.S. 438, 444-45 (1962)