

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Abraham Fata v. Abigail Sheehan, et al.

Fata · No. 2:24-cv-11030 (BRM) (MAH) · Decided December 31, 2025

SUMMARY

The United States District Court for the District of New Jersey screened Abraham Fata’s fourth amended civil rights complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A. The court dismissed with prejudice claims based on federal criminal statutes lacking private rights of action and dismissed without prejudice the remaining § 1983, § 1985, federal statutory, and state-law claims. The court granted Plaintiff’s applications to proceed in forma pauperis and his motion to reopen the case, then directed that the matter be closed.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Brian R. Martinotti
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	December 31, 2025
DOCKET	2:24-cv-11030 (BRM) (MAH)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court screened Plaintiff’s fourth amended complaint after granting his applications to proceed in forma pauperis and granting his motion to reopen for purposes of screening. The court dismissed the complaint in its entirety.
STANDARD OF REVIEW	On screening under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A, the court accepted factual allegations as true and assessed whether the complaint was frivolous, malicious, failed to state a plausible claim for relief, or sought monetary relief from an immune defendant. The court applied the plausibility standard under Ashcroft v. Iqbal and Bell Atlantic Corp. v. Twombly, while construing the pro se pleading liberally.
PRECEDENTIAL VALUE	unpublished
PARTIES	Abraham Fata v. Abigail Sheehan, Carmen Sheehan, Neseree Fata, Britney Sheehan, Aslam Fata, Gabriel Reyes, Maya Alamo, Crystal Salmond

TOPICS

section 1983 civil rights pleadings motions to dismiss subject matter jurisdiction

PRACTICE AREAS

Civil rights Civil procedure Federal jurisdiction Pleading and screening

QUESTIONS PRESENTED

1. Whether claims based on the cited federal criminal statutes stated claims for which a private civil remedy exists.
2. Whether Plaintiff plausibly stated a claim under 42 U.S.C. § 1983 against private defendants by alleging a constitutional deprivation committed under color of state law.
3. Whether Plaintiff's claims under 42 U.S.C. §§ 1985 and 1986 could proceed absent a viable § 1983 claim.
4. Whether Plaintiff plausibly stated claims under 18 U.S.C. §§ 1964(c) and 2255.
5. Whether the court should exercise supplemental jurisdiction over the remaining state-law claims after dismissing all federal claims.

HOLDINGS

1. The federal criminal statutes cited by Plaintiff, including 18 U.S.C. §§ 241, 242, 249, 287, 873, 1201, 1503, 1505, 1512, 1513, 1621, and 1622, do not provide a private right of action merely by virtue of their enactment. Claims based on those statutes were dismissed with prejudice because the deficiency could not be cured by amendment.
2. The court could not grant Plaintiff's request that Defendants be arrested and brought to justice because decisions to prosecute criminal offenses rest with the executive branch, not a private civil plaintiff.
3. Plaintiff failed to state a § 1983 claim because the Fourth Amended Complaint did not allege facts showing that any Defendant acted under color of state law.
4. The complaint failed to satisfy Rule 8(a) because it lumped all Defendants together without differentiating the conduct allegedly attributable to each Defendant.
5. Plaintiff's § 1985 claims failed because they depended on a viable § 1983 deprivation, which Plaintiff did not plead. The court also treated the related § 1986 theory as dependent on the unsuccessful underlying civil-rights claim.
6. Plaintiff failed to state claims under the civil RICO provision, 18 U.S.C. § 1964(c), or under 18 U.S.C. § 2255 because he did not plausibly allege the required statutory violations or that he was a victim entitled to sue under § 2255.
7. After dismissing all claims within its original jurisdiction, the court declined to exercise supplemental jurisdiction over Plaintiff's remaining state-law claims.

KEY QUOTATIONS

“To survive sua sponte screening for failure to state a claim, the complaint must allege “sufficient factual matter” to show that the claim is facially plausible.” (Section II)

“Therefore, to state a claim for relief under § 1983, a plaintiff must allege, first, “the violation of a right secured by the Constitution and laws of the United States” and, second, “the alleged deprivation was committed by a person acting under color of state law.”” (Section III.B)

“Plaintiff’s claims brought under 18 U.S.C. §§ 241, 242, 249, 287, 873, 1201, 1503, 1505, 1512, 1513, 1621, and 1622 are DISMISSED WITH PREJUDICE, and the rest of Plaintiff’s Amended Complaint (ECF No. 9) is DISMISSED WITHOUT PREJUDICE.” (Section IV)

FACTUAL BACKGROUND

Plaintiff alleged that Defendants began corrupting his minor daughter morally and sexually in 2022 and that his daughter's behavior changed while living with one Defendant. He alleged that the other Defendants used neglect, money, and sex to turn the daughter against him. Plaintiff did not allege that he personally suffered damages, but sought \$25,000 per defendant and requested that Defendants be arrested and prosecuted.

PROCEDURAL HISTORY

Plaintiff filed a fourth amended complaint under 42 U.S.C. §§ 1983 and 1985 and sought to proceed in forma pauperis. The court granted the IFP applications and reopened the matter for screening under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A. It dismissed specified federal criminal-statute claims with prejudice and dismissed the remaining federal and state-law claims without prejudice, closing the matter.

DISPOSITION

dismissed

CASES CITED

- Phillips v. County of Allegheny, 515 F.3d 224, 228 (3d Cir. 2008)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Fowler v. UPMC Shadyside, 578 F.3d 203, 210 (3d Cir. 2009)
- Belmont v. MB Investment Partners, Inc., 708 F.3d 470, 483 n.17 (3d Cir. 2013)
- Mala v. Crown Bay Marina, Inc., 704 F.3d 239, 245 (3d Cir. 2013)
- Fleming v. Cape May County, 475 F. App'x 811, 812 (3d Cir. 2012)
- Leeke v. Timmerman, 454 U.S. 83, 85-86 (1981)
- United States v. Friedland, 83 F.3d 1531, 1539 (3d Cir. 1996)
- Campbell v. Township of North Brunswick, No. 24-1447, 2024 WL 4274349, at *2 (3d Cir. Sept. 24, 2024)
- Mikhail v. Khan, 572 F. App'x 68, 73 (3d Cir. 2014)
- Wilson v. McKeesport Police Department, 731 F. App'x 92, 93 (3d Cir. 2018)
- Shahin v. Darling, 606 F. Supp. 2d 525, 538 (D. Del.), aff'd, 350 F. App'x 605 (3d Cir. 2009)

- West v. Atkins, 487 U.S. 42, 48 (1988)
- Malleus v. George, 641 F.3d 560, 563 (3d Cir. 2011)
- American Manufacturers Mutual Insurance Co. v. Sullivan, 526 U.S. 40, 50 (1999)
- Matrix Distributors, Inc. v. National Association of Boards of Pharmacy, 34 F.4th 190, 195 (3d Cir. 2022)
- Brentwood Academy v. Tennessee Secondary School Athletic Association, 531 U.S. 288 (2001)
- Jackson v. Metropolitan Edison Co., 419 U.S. 345, 351 (1974)
- Reichley v. Pennsylvania Department of Agriculture, 427 F.3d 236, 244-45 (3d Cir. 2005)
- Biener v. Calio, 361 F.3d 206, 216-17 (3d Cir. 2004)
- Galicki v. New Jersey, Civ. A. No. 14-169, 2015 WL 3970297, at *3 (D.N.J. June 29, 2015)
- Grayson v. Mayview State Hospital, 293 F.3d 103, 108 (3d Cir. 2002)
- Forman v. Davis, 371 U.S. 178, 182 (1962)
- M.C. v. Harnad, Civ. A. No. 21-19819, 2025 WL 1156637, at *9 (D.N.J. Apr. 21, 2025)
- Elkadrawy v. Vanguard Group, 584 F.3d 169, 174 (3d Cir. 2009)

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