

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Michael A. Gladding v. Rachel Rounds, Parole Officer, Pamela
Vamburgh, Senior Parole Officer, John/Jane Doe, Regional Director,
NYS DOCCS, and New York State Department of Corrections and
Community Supervision

Gladding · No. 1:25-cv-1702 (BKS/DJS) · Decided February 10, 2026

SUMMARY

The United States District Court for the Northern District of New York adopted a magistrate judge’s Report-Recommendation and dismissed Michael A. Gladding’s 42 U.S.C. § 1983 challenge to conditions of parole. The court held that DOCCS was immune from suit and that Gladding had not alleged a protected liberty interest in being free from special parole conditions. The claims against the individual defendants were dismissed without prejudice and with leave to amend, while motions for injunctive relief and to amend the caption were denied as moot.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Brenda K. Sannes
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	February 10, 2026
DOCKET	1:25-cv-1702 (BKS/DJS)
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed de novo the plaintiff's specific objections to a magistrate judge's Report-Recommendation issued during screening under 28 U.S.C. § 1915(e)(2), reviewed unobjected portions for clear error, adopted the Report-Recommendation, dismissed the complaint without prejudice, denied claims against DOCCS without leave to amend, allowed amendment as to the individual defendants, and denied pending injunctive motions as moot.
STANDARD OF REVIEW	The court reviews de novo those portions of a magistrate judge's findings and recommendations to which a specific objection is properly made, and reviews unobjected portions for clear error. At

	screening, the court accepts well-pleaded factual allegations as true and determines whether the complaint states a claim for relief that is plausible on its face.
PRECEDENTIAL VALUE	Unpublished district court memorandum-decision and order; limited persuasive value.
PARTIES	Michael A. Gladding v. Rachel Rounds, Pamela Vamburgh, John/Jane Doe, New York State Department of Corrections and Community Supervision

TOPICS

[section 1983](#)
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[eleventh amendment immunity](#)
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QUESTIONS PRESENTED

1. Whether DOCCS is immune from Gladding's claims in federal court under the Eleventh Amendment.
2. Whether a parolee has a protected liberty interest in being free from special conditions of parole for purposes of a due process claim.
3. Whether the Ex parte Young exception permits prospective relief against DOCCS or its officials where the complaint fails to allege an underlying constitutional violation.
4. Whether Gladding's motions for injunctive relief and to amend the caption became moot upon dismissal of the complaint.

HOLDINGS

1. Claims against the New York State Department of Corrections and Community Supervision are barred by sovereign immunity and must be dismissed without prejudice and without leave to amend.
2. A parolee does not have a constitutionally protected liberty interest in being free from special conditions of parole, and Gladding therefore failed to state a due process claim based solely on the alleged manner in which those conditions were imposed.
3. The court did not reach the plaintiff's arguments concerning the process afforded because the complaint failed at the threshold requirement of alleging a protected liberty interest.

KEY QUOTATIONS

“Parolees are not entitled to the same level of absolute liberty afforded other citizens. Instead, their liberty rights are ‘properly dependent on observance of special parole restrictions.’” (Section III.B.2)

“Because the imposition of special conditions is left to the discretion of the Board of Parole and parole officers, [a] plaintiff does not have a protected liberty interest in being free from special conditions.” (Section

III.B.2)

“Plaintiff’s claims against the New York State Department of Corrections and Community Supervision are DISMISSED without prejudice, but without leave to amend” (Section IV)

FACTUAL BACKGROUND

Gladding, who was convicted of promoting a sexual performance by a minor, was released on parole in August 2024. He challenged parole conditions including internet restrictions, device-search requirements, password and identifier disclosures, and social-media prohibitions, asserting that the conditions were not imposed by the sentencing judge and violated due process. He sought injunctive and other relief against parole officers and the New York State Department of Corrections and Community Supervision.

PROCEDURAL HISTORY

Gladding filed a pro se 42 U.S.C. § 1983 complaint challenging special parole conditions and moved to proceed in forma pauperis. Magistrate Judge Daniel J. Stewart granted IFP status and recommended dismissal with leave to amend. Gladding timely objected. The district court overruled the objections, adopted the Report-Recommendation in its entirety, dismissed the claims, and granted thirty days to amend the claims against the individual defendants.

DISPOSITION

other

CASES CITED

- Petersen v. Astrue, 2 F. Supp. 3d 223, 228-29 (N.D.N.Y. 2012)
- Kruger v. Virgin Atl. Airways, Ltd., 976 F. Supp. 2d 290, 296 (E.D.N.Y. 2013)
- Molefe v. KLM Royal Dutch Airlines, 602 F. Supp. 2d 485, 487 (S.D.N.Y. 2009)
- Machicote v. Ercole, No. 06-cv-13320, 2011 WL 3809920, at *2 (S.D.N.Y. Aug. 25, 2011)
- Demuth v. Cutting, No. 18-cv-795, 2020 WL 918739, at *1 n.1 (N.D.N.Y. Feb. 26, 2020)
- United States v. Rodgers, 101 F.3d 247, 252 (2d Cir. 1996)
- Burger King Corp. v. Horn & Hardart Co., 893 F.2d 525, 527 (2d Cir. 1990)
- Justice v. King, No. 08-cv-6417, 2009 WL 3644242, at *2 (W.D.N.Y. Oct. 27, 2009)
- Hardaway v. Hartford Pub. Works Dep’t, 879 F.3d 486, 489 (2d Cir. 2018)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Milan v. Wertheimer, 808 F.3d 961, 963 (2d Cir. 2015) (per curiam)
- Bedoya v. Coughlin, 91 F.3d 349, 351-52 (2d Cir. 1996)
- Burdick v. Town of Schroepfel, 2017 WL 5509355, at *36 (N.D.N.Y. Jan. 31, 2017)
- Seminole Tribe of Fla. v. Florida, 517 U.S. 44, 54 (1996)
- Davis v. New York, 316 F.3d 93, 101 (2d Cir. 2002)
- Kentucky v. Graham, 473 U.S. 159, 169 (1985)

- In re Deposit Ins. Agency, 482 F.3d 612, 618 (2d Cir. 2007)
- Verizon Md., Inc. v. Pub. Serv. Comm'n of Md., 535 U.S. 635, 645 (2002)
- Doe v. Annucci, No. 14-cv-2953, 2015 WL 4393012, at *15 (S.D.N.Y. July 15, 2015)
- Virginia Office for Prot. & Advoc. v. Stewart, 563 U.S. 247, 255 (2011)
- Safe Haven Home Care, Inc. v. United States Dep't of Health & Hum. Servs., 681 F. Supp. 3d 195, 208 (S.D.N.Y. 2023), aff'd, 130 F.4th 305 (2d Cir. 2025)
- Olivo v. New York State Dep't of Corr. & Cmty. Supervision, No. 17-cv-0357, 2017 WL 2656199, at *3 (N.D.N.Y. June 20, 2017)
- Santiago v. New York State Dep't of Corr. Serv., 945 F.2d 25, 32 (2d Cir. 1991)
- Brown v. New York, No. 17-cv-1036, 2018 WL 3130593, at *3 (N.D.N.Y. June 26, 2018)
- Johnson v. New York, No. 10-cv-9532, 2012 WL 335683, at *1 (S.D.N.Y. Feb. 1, 2012)
- Marshall v. Lilley, No. 19-cv-11829, 2020 WL 905989, at *6 (S.D.N.Y. Feb. 21, 2020)
- Rodriguez v. City of New York, 623 F. Supp. 3d 225, 245-46 (S.D.N.Y. 2022)
- Cusamano v. Alexander, 691 F. Supp. 2d 312, 319 (N.D.N.Y. 2009)
- Singleton v. Doe, 210 F. Supp. 3d 359, 372, 374 (E.D.N.Y. 2016)
- Newman v. Annucci, No. 17-cv-0918, 2018 WL 4554494, at *3 n.2 (N.D.N.Y. Sept. 21, 2018)
- Hill v. U.S. ex rel. Wampler, 298 U.S. 460, 464-65 (1936)
- Earley v. Murray, 451 F.3d 71, 75 (2d Cir. 2006)
- Betances v. Fischer, 837 F.3d 162, 169-71 (2d Cir. 2016)
- Nelson v. Sullivan, No. 23-cv-878, 2025 WL 2494272, at *10 (D. Conn. Aug. 29, 2025)
- Spargo v. N.Y. State Comm'n on Judicial Conduct, 351 F.3d 65, 74 (2d Cir. 2003)
- Kelsey v. Rosa, No. 24-cv-05179, 2025 WL 1779100, at *4 (S.D.N.Y. June 27, 2025)
- Brickhouse v. DuBois, No. 20-cv-4759, 2020 WL 4676476, at *3 (S.D.N.Y. Aug. 11, 2020)
- Shields v. Citytrust Bancorp, Inc., 25 F.3d 1124, 1128 (2d Cir. 1994)

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