

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Steven Andrew Zanzazi v. Town of Babylon et al.

No. 2:26-cv-514 (NJC) (ARL) · No. 2:26-cv-514 (NJC) (ARL) · Decided January 30, 2026

SUMMARY

The United States District Court for the Eastern District of New York grants Steven Andrew Zanzazi's motion to proceed in forma pauperis and directs the United States Marshal Service to serve the defendants. The court denies his motion for a temporary restraining order and preliminary injunction, finding insufficient support for his Fourth Amendment, procedural due process, and equal protection claims, as well as insufficient evidence of irreparable harm. The court directs him to file an amended complaint by February 19, 2026 and notes potential complications arising from his Chapter 13 bankruptcy proceeding.

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	January 30, 2026
DOCKET	2:26-cv-514 (NJC) (ARL)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to proceed in forma pauperis and sought a temporary restraining order and preliminary injunction in an action alleging constitutional violations arising from enforcement actions and an eviction. The court granted leave to proceed in forma pauperis, denied the TRO motion, directed plaintiff to file an amended complaint, and warned that failure to do so could result in dismissal.
STANDARD OF REVIEW	A party seeking a preliminary injunction must show irreparable harm, either a likelihood of success on the merits or serious questions on the merits with a balance of hardships decidedly favoring the movant, and that an injunction is in the public interest. For mandatory preliminary relief, the likelihood-of-success and irreparable-harm requirements are more demanding. The court also reviewed the pleading under the standards applicable to dismissal under 28 U.S.C. § 1915(e)(2)(B)(i)-(ii).

TOPICS

injunctions

procedural due process

equal protection

bankruptcy

civil procedure

PRACTICE AREAS

Civil procedure

Constitutional law

Civil rights

Bankruptcy

QUESTIONS PRESENTED

1. Whether plaintiff qualified to proceed in forma pauperis.
2. Whether plaintiff satisfied the requirements for a temporary restraining order and preliminary injunction.
3. Whether plaintiff's complaint pleaded sufficient factual support for his Fourth Amendment, procedural-due-process, and equal-protection claims.
4. Whether plaintiff was required to file an amended complaint pleading the factual bases for each claim and each defendant's specific conduct.

HOLDINGS

1. Plaintiff's reported financial position qualified him to commence the action without prepayment of the filing fee, so the IFP motion was granted.
2. Plaintiff was not entitled to a TRO or preliminary injunction because the motion did not satisfy the requirements of irreparable harm, likelihood of success or sufficiently serious merits questions with a favorable balance of hardships, and public interest.
3. The complaint and supporting submissions did not presently plead sufficient facts to support the asserted Fourth Amendment, procedural-due-process, and equal-protection claims, and plaintiff was required to plead those claims with greater particularity in an amended complaint.
4. The court did not resolve plaintiff's ability to proceed in the district court but held that the issue was unclear on the present record and required consideration of plaintiff's disclosure obligations and the possible ownership of the claims by the bankruptcy estate.

KEY QUOTATIONS

“When a party seeks “mandatory” rather than “prohibitory” preliminary relief, “the likelihood-of-success and irreparable-harm requirements become more demanding still, requiring that the plaintiff show a clear or substantial likelihood of success on the merits and make a strong showing of irreparable harm.””

“Accordingly, the TRO Motion (ECF No. 3) is denied and Plaintiff must file an Amended Complaint by February 19, 2026, pleading with greater particularity the factual bases for each of his claims.”

FACTUAL BACKGROUND

Plaintiff alleged that defendants took enforcement actions between March 25 and March 29, 2025, violating his Fourth Amendment rights and his Fourteenth Amendment rights to procedural due process and equal protection. He alleged that the actions occurred without advance notice, a hearing, or a court-ordered eviction. Materials submitted with the TRO motion included a Town of Babylon notice directing plaintiff to appear for an administrative adjudication regarding unlawful occupancy and a ninety-day notice to vacate dated January 31, 2025. Plaintiff also stated that he had commenced a Chapter 13 bankruptcy proceeding, but did not indicate whether he had disclosed this district-court action to the bankruptcy court.

PROCEDURAL HISTORY

Plaintiff commenced this civil-rights action against the Town of Babylon and other defendants and moved for in forma pauperis status and emergency injunctive relief. The district court granted the IFP motion and directed the United States Marshal Service to serve defendants, but denied the TRO and preliminary-injunction motion because plaintiff had not satisfied the applicable requirements and had not adequately pleaded his claims. The court ordered an amended complaint by February 19, 2026.

DISPOSITION

other

CASES CITED

- N. Am. Soccer League, LLC v. U.S. Soccer Fed'n, 883 F.3d 32, 37 (2d Cir. 2018)
- Daileader v. Certain Underwriters at Lloyds London Syndicate 1861, 96 F.4th 351, 356 (2d Cir. 2024)
- In re Laiscell, No. 20-20882, 2023 WL 5006356, at *3 (Bankr. D. Conn. Aug. 4, 2023)
- Romeo v. FMA All., Ltd., No. 15-cv-6524, 2016 WL 3647868, at *9 (E.D.N.Y. June 30, 2016)
- Coppedge v. United States, 369 U.S. 438, 444-45 (1962)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK Steven Andrew Zanazzi, Plaintiff, 2:26-cv-514 -v- (NJC) (ARL) Town of Babylon et al, Defendants. MEMORANDUM AND ORDER NUSRAT J. CHOUDHURY, United States District Judge: The Court has reviewed pro se Plaintiff's motion for leave to proceed in forma pauperis ("IFP"). (ECF No. 2.) Plaintiff's reported financial position qualifies him to commence this action without prepayment of the filing fee.

Accordingly, the IFP motion is GRANTED and the Court respectfully directs service of the summonses and Complaint upon Defendants by the United States Marshal Service ("USMS"). The USMS shall promptly file returns of service upon completion of service.

However, the Court denies Plaintiff's Motion for a Temporary Restraining Order and Order to Show Cause for a Preliminary Injunction ("TRO Motion") (ECF No. 3). The Second Circuit has long established that a party seeking a preliminary injunction must show three things: (1)

irreparable harm in the absence of an injunction pending resolution of the action, (2) either a likelihood of success on the merits or both serious questions on the merits and a balance of hardships decidedly favoring the moving party, and (3) that a preliminary injunction is in the public interest.

See *N. Am. Soccer League, LLC v. U.S. Soccer Fed'n*, 883 F.3d 32, 37 (2d Cir. 2018). When a party seeks “mandatory” rather than “prohibitory” preliminary relief, “the likelihood-of-success and irreparable-harm requirements become more demanding still, requiring that the plaintiff show a clear or substantial likelihood of success on the merits and make a strong showing of irreparable harm.” *Daileader v. Certain Underwriters at Lloyds London Syndicate 1861*, 96 F.4th 351, 356 (2d Cir.

2024). Regardless of the standard, the TRO Motion does not currently satisfy any of the three requirements for a Temporary Restraining Order (“TRO”). Even construing the Complaint liberally and incorporating the facts contained within Plaintiff’s submissions in support of his TRO Motion (see ECF No. 3 at 5–42), Plaintiff’s pleadings fail to present sufficient facts to support those claims.

Further, although Plaintiff alleges that he recently commenced a Chapter 13 bankruptcy proceeding, he has not indicated whether he has disclosed the filing of this case to the bankruptcy court. See *In re Steven Andrew Zanazzi*, No. 26-70110 (Bankr. E.D.N.Y.); see also *In re Laiscell*, No. 20-20882, 2023 WL 5006356, at *3 (Bankr. D. Conn. Aug. 4, 2023) (“As a Chapter 13 debtor, pursuant to 11 U.S.C. §§ 541(a)(1) and 1306(a)(1) the Debtor herself has an initial and continuing obligation to disclose claims against third parties that arise both pre and postpetition.”).

Whether Plaintiff may proceed with his claims in the district court in light of the bankruptcy action is far from clear on the present record. See *Romeo v. FMA All., Ltd.*, No. 15- cv-6524, 2016 WL 3647868, at *9 (E.D.N.Y. June 30, 2016) (finding a plaintiff lacked standing to pursue a civil case in district court having filed a Chapter 13 bankruptcy petition because the claim then belonged to the estate, not the plaintiff). The Complaint alleges that between March 25, 2025 and March 29, 2025, Defendants “took enforcement actions” that violated (1) Plaintiff’s Fourth Amendment right against unreasonable searches and seizures; (2) his Fourteenth Amendment right to due process, which the Court understands to refer to Plaintiff’s rights to procedural due process; and (3) his Fourteenth Amendment right to equal protection.

(Compl. at 3–4.) In support of the due process claim, the Complaint alleges that Defendants took the challenged enforcement actions “without providing the Plaintiff advance notice, a hearing, or a court-ordered eviction.” (Compl. at 4.)

However, alongside the TRO Motion, Plaintiff submits a Notice of Violation from the Town of Babylon that directed Plaintiff to appear for an administrative adjudication on June 4, 2024 for

unlawful occupancy. (ECF No. 3 at 9.) Plaintiff also submits a ninety-day notice to vacate dated January 31, 2025. (Id. at 24) Plaintiff has not alleged what additional notice and opportunity to be heard he was entitled to receive nor that it was not provided.

Likewise, Plaintiff has not clearly alleged, much less shown, the factual and legal bases for his Fourth Amendment and equal protection claims. For example, it is not clear from the Complaint or the TRO Motion on what basis Plaintiff challenges his eviction or the Town Code violations that allegedly precipitated his eviction. (See Compl. at 4 (describing the Town Code violations).)

Finally, Plaintiff has not shown that he will suffer irreparable harm in the absence of an injunction given that he was evicted almost a year ago. (See id.) Accordingly, the TRO Motion (ECF No. 3) is denied and Plaintiff must file an Amended Complaint by February 19, 2026, pleading with greater particularity the factual bases for each of his claims. Plaintiff should also clearly plead the specific enforcement actions taken by each of the Defendants that he names in his Complaint.

Plaintiff is advised that an Amended Complaint completely replaces the original complaint. Therefore, all claims against each Defendant must be included in the Amended Complaint as well as factual support for each claim.

The Amended Complaint shall clearly be entitled “Amended Complaint” and shall bear the same Docket Number as this Order, 26-cv-514. Should Plaintiff fail to file an Amended Complaint within the time allowed, absent a showing of good cause, the Complaint will be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)–(ii) and Federal Rule of Civil Procedure 41(b).

The Court encourages Plaintiff to avail himself of the free resources available to him at the Hofstra Law Pro Se Clinic located in the Central Islip Courthouse. The Clinic can provide free information, advice, and limited scope legal assistance to non-incarcerated pro se litigants.

The Court notes that the Pro Se Clinic is not part of, nor affiliated with, the United States District Court. Consultations with the Pro Se Clinic can be conducted remotely via telephone. If you wish to contact the Pro Se Clinic to make an appointment, email them at PSLAP@Hofstra.edu or leave a message at (631) 297-2575.

The Clerk of the Court shall mail a copy of this Order to Plaintiff at his address of record and shall record such mailing on the docket. 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).

Dated: Central Islip, New York January 30, 2026 /s/ Nusrat J. Choudhury NUSRAT J. CHOUDHURY United States District Judge