

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Willie Bright v. D. McIntosh et al.

Bright · No. 9:23-cv-01105 (AMN/ML) · Decided March 16, 2026

SUMMARY

The United States District Court for the Northern District of New York adopted a magistrate judge’s report and recommendation in Willie Bright’s 42 U.S.C. § 1983 action. The court granted the moving defendants’ partial summary judgment motion and dismissed nine claims for failure to exhaust administrative remedies, and it granted in part and denied in part the partial motion to dismiss. The court also denied the plaintiff’s pending procedural and appointment-of-counsel requests and terminated certain defendants.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Anne M. Nardacci
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	March 16, 2026
DOCKET	9:23-cv-01105 (AMN/ML)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action concerning his incarceration. Defendants moved for partial summary judgment for failure to exhaust administrative remedies and for partial dismissal for failure to state a claim. A magistrate judge issued a report-recommendation recommending that the motion be granted in part and denied in part. The district court reviewed the objections, adopted the report-recommendation, granted partial summary judgment, granted partial dismissal, terminated certain defendants, and denied pending requests.
STANDARD OF REVIEW	The court reviews de novo those portions of a magistrate judge’s report-recommendation preserved by specific objection. Absent specific objections, or where objections merely rehash arguments presented to the magistrate judge, the court reviews for clear error. Nondispositive pretrial orders are reviewed under the clearly erroneous or contrary to law standard. The court also applied the

	summary-judgment standard concerning genuine disputes of material fact and reviewed the pleading determinations for clear error in adopting the magistrate judge's recommendations.
PRECEDENTIAL VALUE	unpublished
PARTIES	Willie Bright v. D. McIntosh, Donita McIntosh, Earl Bell, Amy Sweeney, Charles Durkin, Todd Strack, B. Eggleston, Derreck LaForest, Meagan Scott, Greg Savage, Gail Cleveland, Sohail Gillani, Patrick McCoy, Anthony Annucci, Tanie Harrigan, Mary Beth Gillen, D'Amico, John Doe defendants

TOPICS

[section 1983](#)
[prisoners rights](#)
[summary judgment](#)
[motions to dismiss](#)
[civil procedure](#)

PRACTICE AREAS

[prisoner civil rights](#)
[federal civil procedure](#)
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QUESTIONS PRESENTED

1. Whether the magistrate judge's recommendations concerning administrative exhaustion were clearly erroneous when the record showed that Bright failed to submit or complete the required grievance procedures for nine claims.
2. Whether Bright's general objections required de novo review or instead warranted clear-error review.
3. Whether Bright plausibly stated a retaliation claim against Savage, Cleveland, Scott, and Gillani.
4. Whether the magistrate judge abused his discretion or acted contrary to law in resolving the plaintiff's nondispositive procedural requests and discovery-related arguments.
5. Whether an evidentiary hearing was necessary to resolve the exhaustion issue.

HOLDINGS

1. Specific objections require de novo review of the objected-to portions of a magistrate judge's report-recommendation; absent specific objections, or when objections merely rehash prior arguments, the district court reviews for clear error.
2. Partial summary judgment was proper because Bright failed to exhaust administrative remedies for nine claims, and his unsupported general assertions did not create a genuine dispute of material fact or establish an applicable exception to exhaustion.
3. The Fifth Retaliation Claim against Savage, Cleveland, Scott, and Gillani was properly dismissed for failure to state a claim, while the partial motion to dismiss was otherwise denied to the extent the challenged claims were plausibly alleged.
4. An evidentiary hearing was unnecessary because the summary-judgment record did not present a genuine dispute of material fact regarding Bright's failure to exhaust.

5. The magistrate judge’s nondispositive orders were upheld because they were neither clearly erroneous nor contrary to law, and there was no abuse of discretion or prejudice to Bright.

KEY QUOTATIONS

“When performing such a ‘clear error’ review, ‘the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” (Legal Standard)

“Plaintiff fails to provide a copy of his grievances or identify the dates that he allegedly filed grievances for [any of the eight claims] . . . Moreover, Plaintiff fails to provide a copy of his appeals to CORC or identify the dates that he allegedly appealed for [any of the nine claims] . . . As a result, I find Plaintiff’s unsupported, general assertion that he filed grievances and appealed them are insufficient to establish a genuine issue of material fact.” (28)

FACTUAL BACKGROUND

Bright, a state prisoner, alleged constitutional violations arising from his incarceration at Clinton Correctional Facility, including retaliation, medical indifference, and a Fourteenth Amendment substantive due process claim. The record showed that he had not submitted grievances concerning eight challenged claims and had not completed the multi-step grievance process for another. Bright offered only general assertions that he had filed grievances and appealed them, without identifying the relevant grievances, dates, or appeals.

PROCEDURAL HISTORY

Bright commenced the action on August 31, 2023. After screening under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A, the court dismissed numerous claims and defendants but allowed more than a dozen claims against seventeen named defendants and Doe defendants to proceed. The moving defendants filed a motion on May 21, 2025. Magistrate Judge Miroslav Lovric issued a report-recommendation on December 23, 2025. Bright filed a submission on January 9, 2026, but his objections were general and nonspecific. The district court conducted clear-error review where appropriate, found no clear error or abuse of discretion, adopted the report-recommendation, dismissed nine claims for nonexhaustion, dismissed one retaliation claim for failure to state a claim, and denied the remaining requests.

DISPOSITION

other

CASES CITED

- Petersen v. Astrue, 2 F. Supp. 3d 223, 228-29 (N.D.N.Y. 2012)
- Dezarea W. v. Comm’r of Soc. Sec., No. 21-cv-01138, 2023 WL 2552452, at *1 (N.D.N.Y. Mar. 17, 2023)
- Canady v. Comm’r of Soc. Sec., No. 17-cv-0367, 2017 WL 5484663, at *1 n.1 (N.D.N.Y. Nov. 14, 2017)
- Govan v. Campbell, 289 F. Supp. 2d 289, 295 (S.D.N.Y. 2003)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Traguth v. Zuck, 710 F.2d 90, 95 (2d Cir. 1983)

- Machicote v. Ercole, No. 06-cv-13320, 2011 WL 3809920, at *2 (S.D.N.Y. Aug. 25, 2011)
- Caldwell v. Petros, No. 22-cv-567, 2022 WL 16918287, at *1 (N.D.N.Y. Nov. 14, 2022)
- Coleman v. Hamilton, No. 24-cv-00455, 2025 WL 2731047, at *3 (N.D.N.Y. Sept. 25, 2025)
- Lewis v. Adirondack Med. Ctr., No. 24-cv-376, 2024 WL 4448870, at *2 (N.D.N.Y. Oct. 9, 2024)

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