

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Kroemer v. Tantillo

No. 17-3436(L); 18-1006, United States Court of Appeals for the Second Circuit (December 17, 2018)

SUMMARY

Kroemer v. Tantillo (2d Cir. 2018) addresses Brady claims and prosecutorial immunity under § 1983. The Second Circuit affirmed dismissal of the plaintiff’s § 1983 action alleging Brady violations against law enforcement officers, holding that the allegedly suppressed evidence was not material because it would not have changed the outcome of his state drug trial. The court further held that the defendant prosecutor was entitled to absolute immunity for conduct—including seeking an amended indictment and preparing a witness—falling within his role as an advocate. The court also affirmed denial of post-judgment motions under Rules 59(e) and 60(b) as merely seeking to relitigate decided issues.

CASE DETAILS

COURT	United States Court of Appeals for the Second Circuit
WRITING FOR THE COURT	Per Curiam; Robert D. Sack; Debra Ann Livingston; Denny Chin
JURISDICTION	Federal
DECIDED	December 17, 2018
DOCKET	17-3436(L); 18-1006
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from dismissal for failure to state a claim and denial of post-judgment motions
STANDARD OF REVIEW	De novo for motion to dismiss; abuse of discretion for post-judgment motions
PRECEDENTIAL VALUE	Unpublished
PARTIES	Kent A. Kroemer v. R. Michael Tantillo, Roger Smith, Mark T. Fischer

TOPICS

- civil procedure
- motions to dismiss
- standard of review
- section 1983
- habeas corpus
- criminal procedure
- evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court erred in dismissing Brady claims against defendants Smith and Fischer for failure to state a claim.
2. Whether the district court erred in dismissing the fabrication of evidence claim against defendant Tantillo on absolute immunity grounds.
3. Whether the district court erred in denying Kroemer's post-judgment motions under Rules 59(e) and 60(b).

HOLDINGS

1. The court agreed with the district court that Kroemer failed to adequately establish the materiality of the allegedly suppressed evidence, and therefore the claims were properly dismissed.
2. The district court correctly concluded that Tantillo is entitled to absolute immunity because his conduct in seeking an amended indictment and preparing a witness for trial falls within the prosecutor's role as advocate.
3. The district court did not abuse its discretion because Kroemer's motions merely sought to relitigate already-decided issues and did not demonstrate exceptional circumstances.

KEY QUOTATIONS

"To withstand a Rule 12(b)(6) motion to dismiss, the complaint must plead 'enough facts to state a claim to relief that is plausible on its face.'" (3)

"Prosecutorial immunity from § 1983 liability is broadly defined, covering virtually all acts, regardless of motivation, associated with [the prosecutor's] function as an advocate." (4)

"Section 1983, 'while broad in its equitable and legal remedies[,] does not recognize a declaration of innocence, standing alone, as a cognizable form of relief.'" (5)

FACTUAL BACKGROUND

Kroemer was convicted in New York state court on two counts of criminal sale of a controlled substance in the first degree and two counts of criminal possession. He filed a federal suit alleging Brady violations by investigating officers and fabrication of evidence by the prosecutor. The evidence against Kroemer at trial was strong, and he admitted to dealing cocaine until October 1988.

PROCEDURAL HISTORY

The district court dismissed Kroemer's complaint for failure to state a claim and subsequently denied his Rule 59(e) and 60(b) post-judgment motions. Kroemer appealed those decisions.

DISPOSITION

affirmed

CASES CITED

- Elias v. Rolling Stone LLC, 872 F.3d 97, 104 (2d Cir. 2017)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Stevens v. Miller, 676 F.3d 62, 67 (2d Cir. 2012)
- Munafo v. Metro. Transp. Auth., 381 F.3d 99, 105 (2d Cir. 2004)
- Zervos v. Verizon N.Y., Inc., 252 F.3d 163, 169 (2d Cir. 2001)
- Brady v. Maryland, 373 U.S. 83 (1963)
- United States v. Triumph Capital Grp., Inc., 544 F.3d 149, 161 (2d Cir. 2008)
- Youngblood v. West Virginia, 547 U.S. 867, 869 (2006)
- Fuentes v. T. Griffin, 829 F.3d 233, 246 (2d Cir. 2016)
- United States v. Bagley, 473 U.S. 667, 682 (1985)
- United States v. Madori, 419 F.3d 159, 169 (2d Cir. 2005)
- United States v. Rowland, 826 F.3d 100, 112 (2d Cir. 2016)
- Hill v. City of New York, 45 F.3d 653, 661 (2d Cir. 1995)
- Simon v. City of New York, 727 F.3d 167, 171 (2d Cir. 2013)
- Bernard v. Cty. of Suffolk, 356 F.3d 495, 503 (2d Cir. 2004)
- Teichmann v. New York, 769 F.3d 821, 826 (2d Cir. 2014)
- Virgin Atl. Airways, Ltd. v. Nat'l Mediation Bd., 956 F.2d 1245, 1255 (2d Cir. 1992)
- Gonzalez v. Crosby, 545 U.S. 524, 528 (2005)
- United States v. Int'l Bhd. of Teamsters, 247 F.3d 370, 391 (2d Cir. 2001)
- Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995)