

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Obiagwu v. Bellevue Hospital, et al.

Obiagwu · No. 25-CV-9470 (ALC) · Decided November 24, 2025

SUMMARY

This is an Order of Service issued by the United States District Court for the Southern District of New York in Emmanuel Obiagwu v. Bellevue Hospital, et al., No. 25-CV-9470 (ALC). The Court directs substitution of New York City Health + Hospitals for Bellevue Hospital, addresses identification and service of Doe defendants, and directs service-related actions involving NYU Langone, H+H, NYPD officers, and the City of New York. The order is dated November 24, 2025.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Andrew L. Carter, Jr.
DECIDED	November 24, 2025
DOCKET	25-CV-9470 (ALC)
DISPOSITION	other
PROCEDURAL POSTURE	Order of service in a pro se action brought under 42 U.S.C. § 1983, EMTALA, and state law. The court had granted Plaintiff leave to proceed in forma pauperis and addressed identification of Doe defendants, substitution of a suable entity for Bellevue Hospital, and service of process.
PRECEDENTIAL VALUE	unpublished
PARTIES	Emmanuel Obiagwu v. Bellevue Hospital, New York City Health and Hospitals Corporation, NYU Langone, City of New York, Clara Akomeah, Shania Moore, Chad Leed, Justin Segot, Jane Doe Nurses #3 and #4, Bellevue Hospital staff John Does #5-6, Emergency medical technicians employed by NYU Langone

TOPICS

- service of process
- civil procedure
- section 1983
- civil rights
- health law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should assist a pro se plaintiff in identifying Doe defendants when the complaint provides sufficient identifying information.
2. Whether Bellevue Hospital has capacity to be sued separately from the New York City Health and Hospitals Corporation.
3. Whether an in forma pauperis plaintiff is entitled to service assistance from the Clerk of Court and the U.S. Marshals Service.
4. Whether the time for service should be extended until 90 days after summonses issue.

HOLDINGS

1. A pro se litigant is entitled to assistance from the district court in identifying defendants when the complaint supplies sufficient information to permit the relevant entity to identify them.
2. Bellevue Hospital, as a facility belonging to the New York City Health and Hospitals Corporation, lacks capacity to be sued in its independent capacity; the court may substitute H+H as the defendant.
3. When a plaintiff is authorized to proceed in forma pauperis, the court must direct the U.S. Marshals Service to effect service and the Clerk must prepare the necessary summonses and service forms.
4. For an in forma pauperis plaintiff who could not effect service before the court ordered summonses to issue, the service period is extended until 90 days after the summonses issue.

KEY QUOTATIONS

“Because Bellevue is merely a facility within H+H, however, it lacks the capacity to be sued as Bellevue Hospital.” (Discussion C)

“The Court therefore extends the time to serve until 90 days after the date any summonses issue.” (Discussion D)

FACTUAL BACKGROUND

Plaintiff alleges that he was detained on August 15, 2024, and involuntarily transported by ambulance to Bellevue Hospital. He alleges violations of the First, Fourth, Eighth, and Fourteenth Amendments, EMTALA, and state law. The complaint identified several unnamed hospital staff members and emergency medical technicians whose identities and service addresses were not known to Plaintiff.

PROCEDURAL HISTORY

Plaintiff filed suit based on his detention and involuntary transport to Bellevue Hospital on August 15, 2024. On November 20, 2025, the court granted Plaintiff's request to proceed in forma pauperis. On November 24, 2025, the court issued this order directing identification and service procedures, substituting New York City Health and Hospitals Corporation for Bellevue Hospital, and extending the service period until 90 days after summonses issue.

DISPOSITION

other

CASES CITED

- Valentin v. Dinkins, 121 F.3d 72, 76 (2d Cir. 1997)
- Ayala v. Bellevue Hosp., No. 94-CV-1551 (WHP), 1999 WL 637235, at *3 (S.D.N.Y. Aug. 20, 1999)
- Davis v. City of N.Y., 1998 WL 29247, at *2 (S.D.N.Y. Jan. 26, 1998)
- Ochei v. Coler/Goldwater Mem. Hosp., 450 F. Supp. 2d 275, 288 (S.D.N.Y. Aug. 31, 2006)
- Walker v. Schult, 717 F.3d 119, 123 n.6 (2d Cir. 2013)
- Meilleur v. Strong, 682 F.3d 56, 63 (2d Cir. 2012)

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