

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MAINE

D’Errico v. City of Bangor et al.

D’Errico · No. 1:26-cv-00221-SDN · Decided May 1, 2026

SUMMARY

The document is a recommended decision after preliminary review in Christopher D’Errico’s action against the City of Bangor and several individuals concerning the seizure and forfeiture of his dogs. The magistrate judge recommends dismissal under 28 U.S.C. § 1915(e)(2)(B), citing the Rooker-Feldman and Younger doctrines, failure to state due process, municipal-liability, ADA, FHA, and Hobbs Act claims, prosecutorial immunity, and lack of state action. The decision was issued with notice of the parties’ fourteen-day objection period.

CASE DETAILS

COURT	United States District Court for the District of Maine
WRITING FOR THE COURT	Karen Frink Wolf
JURISDICTION	United States District Court for the District of Maine
DECIDED	May 1, 2026
DOCKET	1:26-cv-00221-SDN
DISPOSITION	other
PROCEDURAL POSTURE	After granting Plaintiff leave to proceed in forma pauperis, the magistrate judge conducted preliminary review of the complaint under 28 U.S.C. § 1915(e)(2)(B) and recommended dismissal.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court must dismiss an in forma pauperis action that is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from an immune defendant. Objections to the recommendation are subject to de novo review by the district court under 28 U.S.C. § 636(b)(1)(B).
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- subject matter jurisdiction
- procedural due process
- section 1983
- ada / disability

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the federal court could review or interfere with the Maine District Court's permanent forfeiture order under the Rooker-Feldman or Younger doctrines.
2. Whether D'Errico stated a procedural due process claim when, by his own allegations, he received notice and a meaningful opportunity to be heard.
3. Whether D'Errico stated a municipal liability claim under 42 U.S.C. § 1983 against the City of Bangor without identifying a municipal policy or custom that caused his injury.
4. Whether the individual defendants were liable under § 1983 where the prosecutor was protected by absolute prosecutorial immunity, the alleged conduct attributed to the animal-control officer was seemingly judicial conduct, and the private citizen was not alleged to act under color of state law.
5. Whether seizure of the dogs stated a viable ADA claim despite an alleged disability.
6. Whether a vehicle in a Walmart parking lot qualified as a dwelling under the Fair Housing Act.
7. Whether the Hobbs Act provided D'Errico a private cause of action.

HOLDINGS

1. The complaint improperly sought federal review of, and interference with or reversal of, a permanent forfeiture order entered by the Maine District Court; such relief was barred by the Rooker-Feldman doctrine and implicated Younger abstention.
2. D'Errico failed to state a procedural due process claim because his own allegations showed that he received notice and a meaningful opportunity to be heard.
3. D'Errico failed to state a § 1983 claim against the City of Bangor because he did not cogently identify a municipal policy or custom responsible for his injuries.
4. The complaint failed to state viable § 1983 claims against the individual defendants because the alleged conduct attributed to the animal-control officer was seemingly judicial conduct, the prosecutor was absolutely immune, and the private citizen was not alleged to act under color of state law.
5. Even assuming D'Errico had a qualifying disability, the ADA did not exempt him or his animals from generally applicable animal-control laws, so the alleged seizure did not state a viable ADA discrimination claim.
6. D'Errico failed to state a Fair Housing Act claim because the dogs were seized from a vehicle in a Walmart parking lot, and the vehicle was not a dwelling within the meaning of the Act.
7. D'Errico could not pursue a private Hobbs Act claim because the Hobbs Act is a criminal statute and provides no private right of action.

KEY QUOTATIONS

"Notice and an opportunity to be heard have traditionally and consistently been held to be the essential requisites of procedural due process."

“the under-color-of-state-law element of § 1983 excludes from its reach merely private conduct, no matter how discriminatory or wrongful.”

“Accordingly, I recommend that the Court DISMISS D’Errico’s complaint pursuant to 28 U.S.C. § 1915(e)(2)(B).”

FACTUAL BACKGROUND

D’Errico alleged that the defendants seized several puppies and emotional-support dogs from his broken-down vehicle in a Walmart parking lot in Bangor. He asserted due process, Americans with Disabilities Act, Fair Housing Act, and Hobbs Act claims and sought return of the dogs and monetary damages. A Maine District Court had entered a permanent forfeiture order concerning the dogs, and D’Errico alleged that he had received notice and an opportunity to be heard.

PROCEDURAL HISTORY

Christopher D’Errico filed a complaint against the City of Bangor and three individual defendants concerning the seizure and forfeiture of dogs. The court granted his application to proceed in forma pauperis. Following preliminary review, the magistrate judge recommended that the complaint be dismissed for lack of jurisdiction over the requested review of a state-court forfeiture order and for failure to state legally cognizable claims.

DISPOSITION

other

REMAND INSTRUCTIONS

The magistrate judge recommended dismissal of the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B). The recommendation was subject to objections within fourteen days and de novo review by the district court.

CASES CITED

- Tyler v. Sup. Jud. Ct. of Mass., 914 F.3d 47, 50 (1st Cir. 2019)
- Rossi v. Gemma, 489 F.3d 26, 34-35 (1st Cir. 2007)
- Gorman v. Univ. of R.I., 837 F.2d 7, 12 (1st Cir. 1988)
- Bd. of Cnty. Comm’rs v. Brown, 520 U.S. 397, 403 (1997)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Imbler v. Pachtman, 424 U.S. 409, 427 (1976)
- Am. Mfrs. Mut. Ins. Co. v. Sullivan, 526 U.S. 40, 49-50 (1999)
- Desnoyers v. Green, No. 3:25-cv-1170 (AWT), 2025 WL 4696161, at *5-6 (D. Conn. Sept. 23, 2025)
- Cmty. House, Inc. v. City of Boise, 623 F.3d 945, 968-69 (9th Cir. 2010)
- Peters v. Ervin, No. 2:23-cv-00684-DAD-CKD (PS), 2023 WL 8190514, at *4 (E.D. Cal. Nov. 27, 2023)

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