

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Alejandro Velasquez-Martinez v. Lt. Pell, et al.

Velasquez-Martinez · No. Civil Action No. 25-3394 (SDW-JBC) · Decided March 6, 2026

SUMMARY

The United States District Court for the District of New Jersey grants in part Alejandro Velasquez-Martinez’s motion to amend his civil rights complaint. The court dismisses Bergen County Jail as an improper defendant and dismisses with prejudice claims against defendants in their official capacities. Because amendment is permitted, the defendants’ motion to dismiss is denied as moot, and they must respond to the amended complaint under Federal Rule of Civil Procedure 15(a)(3).

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Susan D. Wigenton
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	March 6, 2026
DOCKET	Civil Action No. 25-3394 (SDW-JBC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to amend his 42 U.S.C. § 1983 complaint while defendants' Rule 12(b)(6) motion to dismiss was pending.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded allegations as true and views them in the light most favorable to the nonmoving party; dismissal is proper when the complaint does not provide fair notice and state a plausible claim. Motions for leave to amend under Rule 15(a)(2) are generally freely granted unless amendment would be futile, prejudicial, unduly delayed, or undertaken in bad faith.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Alejandro Velasquez-Martinez v. Lt. Pell, Bergen County Jail, Corrections Officer Saltos, Corrections Officer Snutas, Sgt. Fernandez

TOPICS

- motion to amend
- motions to dismiss
- section 1983
- eleventh amendment immunity
- civil rights

PRACTICE AREAS

civil rights

civil procedure

prisoner litigation

constitutional law

QUESTIONS PRESENTED

1. Whether plaintiff should be granted leave to amend his § 1983 complaint under Federal Rule of Civil Procedure 15(a)(2).
2. Whether Bergen County Jail is a proper defendant in a § 1983 civil rights action.
3. Whether plaintiff's claims against defendants in their official capacities may proceed.
4. Whether defendants' pending motion to dismiss remained operative after leave to amend was granted.

HOLDINGS

1. Leave to amend should be freely granted where the amendment is not shown to be futile, prejudicial, unduly delayed, or undertaken in bad faith; plaintiff's motion to amend was granted in part.
2. Bergen County Jail is not a proper defendant in a § 1983 civil rights action and was dismissed from the case.
3. Plaintiff's claims against defendants in their official capacities were dismissed with prejudice because an official-capacity suit is treated as a suit against the official's office and therefore the State.
4. Because plaintiff was permitted to amend the complaint, defendants' pending motion to dismiss was dismissed as moot.

KEY QUOTATIONS

“When there are well-pleaded factual allegations, the court should assume their veracity and then determine whether they plausibly give rise to an entitlement to relief.” (¶ 7)

“A suit against a state official in his or her official capacity is not a suit against the official but rather is a suit against the official's office. As such, it is no different from a suit against the State itself.” (¶ 11)

FACTUAL BACKGROUND

Plaintiff is a convicted and sentenced prisoner confined at East Jersey State Prison who filed a § 1983 complaint based on alleged constitutional violations arising from his prior pretrial detention at Bergen County Jail. The proposed amended complaint named Bergen County Jail and several correctional officials, including Lt. Pell, Sgt. Fernandez, Corrections Officer Saltos, and Corrections Officer Snutas. The court determined that the jail was not a proper § 1983 defendant and that official-capacity claims were barred by Eleventh Amendment principles.

PROCEDURAL HISTORY

Plaintiff filed a § 1983 complaint concerning alleged constitutional violations during his pretrial detention in Bergen County Jail. Defendants moved to dismiss for failure to state a claim and on statute-of-limitations grounds. Plaintiff then moved to amend, and the court granted the motion in part, dismissed claims against Bergen County Jail and official-capacity claims, and dismissed the motion to dismiss as moot.

DISPOSITION

other

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)
- Connelly v. Lane Construction Corp., 809 F.3d 780, 787, 790 (3d Cir. 2016)
- Lake v. Arnold, 232 F.3d 360, 373 (3d Cir. 2000)
- Shane v. Fauver, 213 F.3d 113, 115 (3d Cir. 2000)
- Harris v. Hudson Cnty. Jail, No. 14-cv-6284, 2015 WL 1607703, at *5 (D.N.J. Apr. 8, 2015)
- Will v. Michigan Dep't of State Police, 491 U.S. 58, 71 (1989)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY ALEJANDRO VELASQUEZ-MARTINEZ, Civil Action No. 25-3394 (SDW-JBC) Plaintiff, v. OPINION LT. PELL, et al., Defendants. IT APPEARING THAT: 1. Presently before this Court is Defendants Bergen County Jail, Corrections Officer Saltos, Corrections Officer Snutas,1 Lt. Pell, Sgt. Fernandez's motion to dismiss ("Motion to Dismiss") pro se Plaintiff Alejandro Velasquez-Martinez's civil rights complaint ("Complaint").

(ECF No. 14). Plaintiff cross-moves to amend the Complaint ("Motion to Amend"). (ECF No. 20). 2. This Court will determine the motions on the briefs pursuant to Federal Rule of Civil Procedure 78(b). For the following reasons, the Motion to Amend will be granted in part and the Motion to Dismiss will be dismissed as moot. 3. Plaintiff is a convicted and sentenced prisoner who is currently confined in East Jersey State Prison ("EJSP").

(ECF No. 1 at 4). He filed a civil rights complaint pursuant to 42 U.S.C. § 1983 on April 28, 2025 alleging constitutional violations related to his pretrial detention in Bergen County Jail. (Id. at 6-10). 1 Incorrectly pled as "Corrections Officer Snotas." (ECF No. 20-2 at 6 n.1). 4.

On July 21, 2025, Defendants filed their Motion to Dismiss arguing that Plaintiff failed to state a claim against them. (ECF No. 14). They further argued that the Complaint had been filed after the statute of limitations expired. (ECF No. 14-1 at 2). 5. This Court granted Plaintiff's requests for additional time to respond to the Motion to Dismiss. (ECF Nos. 16, 18).

He filed his Motion to Amend on December 9, 2025. (ECF No. 20). Defendants have not submitted any opposition to the Motion to Amend. 6. When considering a motion to dismiss a complaint for failure to state a claim, Fed. R. Civ. P. 12(b)(6), this Court must accept all well-pleaded allegations in the complaint as true and view them in the light most favorable to the non-moving party.

A motion to dismiss may be granted only if the plaintiff has failed to set forth fair notice of what the claim is and the grounds upon which it rests that make such a claim plausible on its face. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007). 7.

In reviewing the sufficiency of a complaint, the Court must “tak[e] note of the elements [the] plaintiff must plead to state a claim. Second, it should identify allegations that, because they are no more than conclusions, are not entitled to the assumption of truth.

Finally, [w]hen there are well-pleaded factual allegations, [the] court should assume their veracity and then determine whether they plausibly give rise to an entitlement to relief.” *Connelly v. Lane Const. Corp.*, 809 F.3d 780, 787 (3d Cir. 2016) (alterations in original) (internal citations and quotation marks omitted). “[A] complaint’s allegations of historical fact continue to enjoy a highly favorable standard of review at the motion-to-dismiss stage of proceedings.” *Id.* at 790.

8. Rule 15(a)(2) states that after a responsive pleading has been served “a party may amend its pleading only with the opposing party’s written consent or the court’s leave[,]” and “[t]he court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). “[A] district court has the discretion to deny this request if it is apparent from the record that (1) the moving party has demonstrated undue delay, bad faith[,], or dilatory motives[;] (2) the amendment would be futile[;] or (3) the amendment would prejudice the other party.” *Lake v. Arnold*, 232 F.3d 360, 373 (3d Cir.

2000). 9. “[I]f a claim is vulnerable to dismissal under Rule 12(b)(6), but the plaintiff moves to amend, leave to amend generally must be granted unless the amendment would not cure the deficiency.” *Shane v. Fauver*, 213 F.3d 113, 115 (3d Cir. 2000). 10. This Court has reviewed the Motion to Dismiss and Motion to Amend and concludes that the proposed amended complaint, ECF No. 20-2, may proceed in part.

Defendant Bergen County Jail shall be dismissed as a county jail is not a proper defendant in a civil rights proceeding. See *Harris v. Hudson Cnty. Jail*, No. 14-cv-6284, 2015 WL 1607703, at *5 (D.N.J. April 8, 2015) (noting that a county jail is not a person subject to suit under § 1983). 11. Plaintiff’s claims against Defendants in their official capacities shall also be dismissed.

The Eleventh Amendment to the United States Constitution provides that “[t]he Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by Citizens or Subjects of any Foreign State.” U.S. Const. amend.

XI. “[A] suit against a state official in his or her official capacity is not a suit against the official but rather is a suit against the official’s office. As such, it is no different from a suit against the State itself.” *Will v. Michigan Dep’t of State Police*, 491 U.S. 58, 71 (1989). These claims will be dismissed with prejudice. 12.

As this Court is permitting Plaintiff to amend the Complaint, the Motion to Dismiss is moot. Defendants shall answer, move, or otherwise reply to the amended complaint in accordance with Rule 15(a)(3). 13. An appropriate order follows. ~ ig Hon. Susan D. Wigenton, United States District Judge March 6, 2026