

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Edmund J. Susman Jr. v. Ann Marie T. Sullivan, M.D., et al.

24-CV-1281-LJV · No. 1:24-cv-01281-LJV · Decided March 31, 2026

SUMMARY

The United States District Court for the Western District of New York grants the federal defendants’ motion to dismiss claims challenging 18 U.S.C. § 922(g)(4), which restricts firearm possession by persons adjudicated as mentally defective or committed to a mental institution. The court concludes that it lacks jurisdiction over the claims against the federal officials because 42 U.S.C. § 1983 does not apply to federal actors and nonstatutory review is unavailable where an administrative certificate-of-relief process exists. The court also determines that a New York Mental Hygiene Law § 9.39 admission constitutes a disqualifying commitment under § 922(g)(4).

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Lawrence J. Vilaro
JURISDICTION	United States District Court for the Western District of New York
DECIDED	March 31, 2026
DOCKET	1:24-cv-01281-LJV
DISPOSITION	other
PROCEDURAL POSTURE	Federal defendants Pam Bondi and Kash Patel moved to dismiss the amended complaint under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(1) motion, the plaintiff bears the burden of establishing subject matter jurisdiction by a preponderance of the evidence, and the court may consider evidence outside the pleadings. On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences for the plaintiff, and asks whether the complaint states a facially plausible claim.
PRECEDENTIAL VALUE	unpublished

TOPICS

second amendment

subject matter jurisdiction

motions to dismiss

section 1983

civil procedure

PRACTICE AREAS

constitutional law

civil rights

firearms law

federal jurisdiction

civil procedure

QUESTIONS PRESENTED

1. Whether the court had subject matter jurisdiction over Susman's constitutional claims against federal officials where § 1983 does not apply to federal actors and an administrative certificate-of-relief process was available.
2. Whether Susman's constitutional challenge to application of 18 U.S.C. § 922(g)(4) was ripe where he had not pursued available administrative relief.
3. Whether, assuming jurisdiction and ripeness, applying § 922(g)(4) to persons involuntarily committed under New York Mental Hygiene Law § 9.39 violates the Second Amendment.

HOLDINGS

1. The court lacked a jurisdictional vehicle for Susman's claims against the federal defendants because § 1983 does not apply to federal officials, nonstatutory review was unavailable while an adequate administrative remedy remained available, and any Bivens claim was barred by the existence of an alternative remedy.
2. Susman's constitutional challenge was not ripe because he had not pursued the available certificate-of-relief process and his asserted hardship could likely be remedied through that process.
3. Even assuming jurisdiction and ripeness, § 922(g)(4) is constitutional as applied to persons involuntarily committed under § 9.39 because nonpermanent disarmament of persons whose mental health renders them dangerous is consistent with the Nation's historical tradition of firearm regulation.

KEY QUOTATIONS

“In sum, despite the availability of a process that might well vindicate his right to purchase a firearm, Susman has refused even to start that process.”

“Those with a mental illness may constitutionally be deprived of the right to possess firearms.”

“And because there is a process that rescinds any section 922(g)(4) prohibition once an individual no longer poses a threat, N.Y. Mental Hyg. Law § 7.09(j)(2), that disqualification is constitutional.”

FACTUAL BACKGROUND

Susman, a military veteran and former State Department Diplomatic Security special agent, was hospitalized at Erie County Medical Center in 2015 under New York Mental Hygiene Law § 9.39 after seeking help for suicidal ideations. The hospitalization was reported to the New York State Office of Mental Health and ultimately to the FBI's National Instant Criminal Background Check System. In November 2024, NICS denied Susman's attempted firearm purchase under 18 U.S.C. § 922(g)(4), which prohibits firearm possession by persons

adjudicated as mentally defective or committed to a mental institution. New York provides an administrative certificate-of-relief process, but Susman had not pursued it before filing suit.

PROCEDURAL HISTORY

Susman commenced a § 1983 action challenging New York Mental Hygiene Law § 7.09(j), later amended the complaint to add state and federal defendants and challenges to 18 U.S.C. § 922(g)(4), and sought relief relating to the denial of a firearm purchase. The federal defendants moved to dismiss for lack of subject matter jurisdiction and failure to state a claim. After briefing and oral argument, the court granted the federal defendants' motion, terminated them as defendants, and referred the case back to Judge Foschio for further proceedings.

DISPOSITION

other

REMAND INSTRUCTIONS

The federal defendants' motion to dismiss was granted, Bondi and Patel were terminated as defendants, and the case was referred back to Judge Foschio for further proceedings consistent with the referral order.

CASES CITED

- *Morrison v. National Australia Bank Ltd.*, 547 F.3d 167, 170 (2d Cir. 2008), *aff'd*, 561 U.S. 247 (2010)
- *Trustees of Upstate New York Engineers Pension Fund v. Ivy Asset Management*, 843 F.3d 561, 566 (2d Cir. 2016)
- *L-7 Designs, Inc. v. Old Navy, LLC*, 647 F.3d 419, 422 (2d Cir. 2011)
- *Sira v. Morton*, 380 F.3d 57, 67 (2d Cir. 2004)
- *Makarova v. United States*, 201 F.3d 110, 113 (2d Cir. 2000)
- *Malik v. Meissner*, 82 F.3d 560, 562 (2d Cir. 1996)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 556, 570 (2007)
- *Magee v. Nassau County Medical Center*, 27 F. Supp. 2d 154, 158 (E.D.N.Y. 1998)
- *Rhulen Agency, Inc. v. Alabama Insurance Guaranty Association*, 896 F.2d 674, 678 (2d Cir. 1990)
- *Abramski v. United States*, 573 U.S. 169, 172-73 (2014)
- *Robinson v. Sessions*, 721 F. App'x 20, 21-22 (2d Cir. 2018)
- *Printz v. United States*, 521 U.S. 898, 902 (1997)
- *Gazzola v. Hochul*, 88 F.4th 186, 200-01, 220 (2d Cir. 2023), *cert. denied*, 144 S. Ct. 2659 (2024)
- *Sedita v. United States*, 763 F. Supp. 3d 63, 67-70 (D.D.C. 2025)
- *Phelps v. Bosco*, 711 F. App'x 63, 64-65 (2d Cir. 2018)
- *Giannavola v. Lee*, 2025 WL 1932020, at *7-8 (W.D.N.Y. July 14, 2025)
- *Montgomery v. Cuomo*, 291 F. Supp. 3d 303, 311-12, 315-16 (W.D.N.Y. 2018)

- *Colihan v. New York*, 211 A.D.3d 1432, 1436-37 (3d Dep't 2022)
- *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 17, 24, 30 (2022)
- *United States v. Rahimi*, 602 U.S. 680, 692, 698-99, 702 (2024)
- *District of Columbia v. Heller*, 554 U.S. 570, 626-27 & n.26 (2008)
- *McDonald v. City of Chicago*, 561 U.S. 742, 786 (2010)
- *Heller v. Bedford Central School District*, 665 F. App'x 49, 54 (2d Cir. 2016)
- *United States v. Bartley*, 9 F.4th 1128, 1136 n.4 (9th Cir. 2021)
- *United States v. Rehlander*, 666 F.3d 45, 48 (1st Cir. 2012)
- *Tyler v. Hillsdale County Sheriff's Department*, 837 F.3d 678, 694, 699 (6th Cir. 2016)
- *United States v. Giardina*, 861 F.2d 1334, 1337 (5th Cir. 1988)
- *United States v. Hansel*, 474 F.2d 1120, 1123 (8th Cir. 1973)
- *United States v. Connelly*, 117 F.4th 269, 275 (5th Cir. 2024)
- *United States v. Seiwert*, 152 F.4th 854, 867 (7th Cir. 2025)
- *United States v. Veasley*, 98 F.4th 906, 913-15 (8th Cir. 2024)
- *Beers v. Attorney General of the United States*, 927 F.3d 150, 157-58 (3d Cir. 2019), vacated as moot, 140 S. Ct. 2758 (2020)
- *Dickerson v. New Banner Institute, Inc.*, 460 U.S. 103, 112 n.6 (1983), superseded by statute on other grounds as stated in *Logan v. United States*, 552 U.S. 23, 27 (2007)
- *United States v. Zherka*, 140 F.4th 68, 75, 84 (2d Cir. 2025)
- *United States v. Franzky*, 2024 WL 4494988, at *4 (D.S.D. Oct. 15, 2024)
- *United States v. Harris*, 144 F.4th 154, 163 (3d Cir. 2025)
- *New York v. National Science Foundation*, 793 F. Supp. 3d 562, 610 (S.D.N.Y. 2025)
- *Puerto Rico v. United States*, 490 F.3d 50, 60 n.5 (1st Cir. 2007)
- *Rhode Island Department of Environmental Management v. United States*, 304 F.3d 31, 42 (1st Cir. 2002)
- *Nuclear Regulatory Commission v. Texas*, 605 U.S. 665, 682 (2025)
- *Board of Governors of Federal Reserve System v. MCorp Financial, Inc.*, 502 U.S. 32, 43 (1991)
- *Abbott Laboratories v. Gardner*, 387 U.S. 136, 148-49 (1967)
- *Suitum v. Tahoe Regional Planning Agency*, 520 U.S. 725, 733 n.7 (1997)

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