

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
NEW YORK

**Richard Bottom v. A. Patterson, in his/her official capacity, M. Krug,
in his/her official capacity, Detective Sterlaceh, in his official
capacity, City of Buffalo, Buffalo Police Department, Niagara
County, and Niagara County Sheriff's Office**

Bottom · No. 25-CV-223 (JLS) (MJR) · Decided May 8, 2026

OPINION

SSINES DISTRICT UNITED STATES DISTRICT COURT KE FILED ON WESTERN DISTRICT OF NEW YORK 'Ss MAY 08 2026 ANope one RICHARD BOTTOM, □□ NOELLE RED STERN DISTRICT Plaintiff, V. 25-CV-223 (JLS) (MJR) A. PATTERSON, in his/her official capacity, M. KRUG, in his/her official capacity, DETECTIVE STERLACEH, in his official capacity, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, NIAGARA COUNTY, and NIAGARA COUNTY SHERIFF'S OFFICE, Defendants.

DECISION AND ORDER Plaintiff Richard Bottom commenced this action on March 13, 2025, alleging claims under 42 U.S.C. § 1983 for: (1) unreasonable search and seizure; (2) false arrest; and (8) failure to train, supervise, and discipline law enforcement officers of the Buffalo Police Department ("City Defendants") and the Niagara County Sheriffs Office ("County Defendants").

See Dkt. 1. Plaintiff also asserts claims against Defendants for violation of his Second Amendment right to bear arms, false imprisonment, trespass, battery, and intentional infliction of emotional distress. Id. The case has been referred to United States Magistrate Judge Michael J. Roemer for all proceedings under 28 U.S.C. §§ 636(b)(1)(A), (B), and (C). Dkt.

12. On July 1, 2025, Defendants moved to dismiss Plaintiffs complaint under Federal Rule of Civil Procedure 12(b)(6). Dkt. 16. Plaintiff opposed the motion, Dkt. 21, and Defendants replied. Dkt. 17. On February 26, 2026, Judge Roemer issued a Report and Recommendation ("R&R"), recommending that this Court grant Defendants' [16] motion in part and deny it in part.

See Dkt. 25. Plaintiff and County Defendants objected to the R&R. Dkt. 26-27. Plaintiff objects to the portions of the R&R recommending dismissal of the municipal liability claims, the Second Amendment claim, the state law claims, and the procedural basis upon which the City Defendants joined the motion to dismiss. Dkt. 26, pp. 1-2.} County Defendants object to the R&R for: (1) declining to dismiss Plaintiff's causes of action for unreasonable search and seizure and false arrest under 42 U.S.C. § 1983; and (2) declining to consider the body camera footage submitted by the County Defendants in support of their motion to dismiss.

Dkt. 27, pp.4. Plaintiff and Defendants opposed the objections, Dkt. 29-80, and filed replies in further support of their objections. Dkt. 31-32. A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a de novo review of those portions of a magistrate judge's recommendation to which a party objects.

See 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 1 Page numbers refer to the CM/ECF generated numbering in the header of each page. requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

This Court carefully reviewed the R&R and the relevant record. Based on its de novo review, the Court accepts and adopts Judge Roemer's recommendation in its entirety, except: (1) leave to amend the Second Amendment claim is granted; and (2) the claims against the individual defendants (sued only in their official capacities) and the claims against the County and City Defendants all fail as well under the Monell analysis in the R&R and are, therefore, dismissed.

See Dkt. 25 at 2, n. 1, 18, n. 4. Leave to amend to identify individuals is also granted, as contemplated at page 12 and 18, n. 4, with respect to the federal causes of action. For the reasons above and in the R&R, Defendants' [16] motion to dismiss is GRANTED in its entirety.

Accordingly, the Complaint [1] is DISMISSED and Plaintiff is granted leave to amend as set forth above and on a schedule to be determined by the Magistrate Judge. The Court refers the case back to Judge Roemer for further proceedings consistent with the referral order at Dkt. 22. SO ORDERED. Dated: May 8, 2025 ro} Buffalo, New York] (JOHN L. SINATRA, JR.?

UNITED STATES DISTRICT JUDGE