

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Karl Henry Luce v. ICK Health Corps Services (HSC)

Luce · No. 25-CV-6351-MAV · Decided January 16, 2026

SUMMARY

The United States District Court for the Western District of New York grants Karl Henry Luce leave to proceed in forma pauperis but dismisses his complaint without prejudice. The court holds that the pleaded claims under 42 U.S.C. § 1983 cannot proceed against the alleged federal defendant, and that the complaint does not identify an individually involved federal officer or establish an FTCA claim. The court also denies injunctive relief without prejudice and grants leave to amend within 45 days.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Meredith A. Vacca
JURISDICTION	United States District Court for the Western District of New York
DECIDED	January 16, 2026
DOCKET	25-CV-6351-MAV
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se detainee filed a civil-rights complaint under 42 U.S.C. § 1983, moved to proceed in forma pauperis, and sought monetary and injunctive relief. The district court granted in forma pauperis status, screened the complaint under 28 U.S.C. § 1915(e)(2)(B), and dismissed the complaint with leave to amend.
STANDARD OF REVIEW	The court applied the screening standard under 28 U.S.C. § 1915(e)(2)(B), accepting factual allegations as true, drawing reasonable inferences in plaintiff's favor, liberally construing the pro se pleading, and determining whether the complaint was frivolous, failed to state a plausible claim, or sought relief from an immune defendant.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Karl Henry Luce v. ICK Health Corps Services (HSC)

TOPICS

subject matter jurisdiction

section 1983

sovereign immunity

immigration detention

civil procedure

PRACTICE AREAS

civil rights

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QUESTIONS PRESENTED

1. Whether plaintiff could maintain a claim under 42 U.S.C. § 1983 based on alleged conduct by federal actors.
2. Whether the complaint stated a viable Bivens claim against a federal agency or component of a federal agency without identifying an individual federal officer who was personally involved.
3. Whether the complaint stated an FTCA claim despite failing to allege administrative exhaustion and failing to name the United States as defendant.
4. Whether plaintiff was entitled to injunctive relief based on his vague request for medical attention and allegations concerning implanted microchips.

HOLDINGS

1. Plaintiff could not maintain a § 1983 claim because the complaint alleged wrongful action by federal rather than state actors.
2. A Bivens damages claim could not proceed against the defendant federal agency or agency component because federal agencies are not proper Bivens defendants and sovereign immunity barred the claim absent a waiver.
3. The complaint failed to state a Bivens claim because plaintiff did not identify any federal official who was personally involved in the alleged constitutional violation.
4. The complaint did not state an FTCA claim because it failed to plead administrative exhaustion and did not name the United States as defendant.
5. Plaintiff's request for injunctive relief was denied without prejudice because the requested relief was unspecified, the microchip allegations appeared frivolous, and the complaint and attached medical records did not support a nonfrivolous claim for compelled medical treatment.

KEY QUOTATIONS

"Plaintiff cannot maintain his claim under 42 U.S.C. § 1983, as the complaint alleges wrongful action by federal rather than state actors." (at 2)

"The complaint also fails to state an action under Bivens because Plaintiff does not name or identify any federal official who was personally involved in violating his constitutional rights." (at 4)

"This requirement is jurisdictional and cannot be waived." (at 5)

"Thus, to the extent that the complaint may be read as requesting a preliminary injunction or other injunctive relief, that request is denied without prejudice." (at 10)

FACTUAL BACKGROUND

Karl Henry Lucce, detained at the Buffalo Federal Detention Facility, alleged that he had repeatedly requested medical attention and a physical examination but had been denied care. He alleged that New York corrections officials and Buffalo Federal Detention Facility officials had conspired to implant monitoring microchips throughout his body, causing poor health, insomnia, and voices. The complaint sought an injunction and monetary damages and included medical records showing that plaintiff had attended numerous sick-call, mental-health, and other medical appointments.

PROCEDURAL HISTORY

Plaintiff alleged that he was denied medical treatment and that federal detention-facility personnel and New York officials had implanted microchips in his body. The court concluded that § 1983 did not apply because the alleged conduct involved federal rather than state actors, and it construed the pleading liberally as potentially asserting Bivens and FTCA claims. The court dismissed the claims for lack of subject-matter jurisdiction and failure to state a claim, denied injunctive relief without prejudice, and granted plaintiff 45 days to amend.

DISPOSITION

dismissed

CASES CITED

- Larkin v. Savage, 318 F.3d 138, 139 (2d Cir.)
- King v. Simpson, 189 F.3d 284, 287 (2d Cir.)
- McEachin v. McGuinnis, 357 F.3d 197, 200 (2d Cir.)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 676, 678 (2009)
- Chavis v. Chappius, 618 F.3d 162, 170 (2d Cir.)
- Whalen v. County of Fulton, 126 F.3d 400, 405 (2d Cir.)
- Sykes v. James, 13 F.3d 515, 519 (2d Cir.)
- City of Oklahoma City v. Tuttle, 471 U.S. 808, 816 (1985)
- McKenna v. Wright, 386 F.3d 432, 437 (2d Cir.)
- Hernandez v. Keane, 341 F.3d 137, 144 (2d Cir.)
- Tangreti v. Bachmann, 983 F.3d 609, 618 (2d Cir.)
- Abbas v. Dixon, 480 F.3d 636, 639 (2d Cir.)
- Gomez v. USAA Federal Savings Bank, 171 F.3d 794, 796 (2d Cir.)
- Cuoco v. Moritsugu, 222 F.3d 99, 112 (2d Cir.)
- Ruffolo v. Oppenheimer & Co., 987 F.2d 129, 131 (2d Cir.)
- Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)
- Eng v. Carter, No. 18-CV-4855 ENV, 2013 WL 6178157, at *2 (E.D.N.Y. Nov. 25, 2013)
- Morales v. City of New York, 752 F.3d 234, 237 (2d Cir.)

- *Cnty. of Suffolk, N.Y. v. Sebelius*, 605 F.3d 135, 140 (2d Cir.)
- *Dep't of the Army v. Blue Fox, Inc.*, 525 U.S. 255, 260-61 (1999)
- *Davila v. Gutierrez*, 330 F. Supp. 3d 925, 936, 987 (S.D.N.Y. 2018), *aff'd*, 791 F. App'x 211 (2d Cir. 2019)
- *FDIC v. Meyer*, 510 U.S. 471, 478, 486 (1994)
- *Chen v. United States*, 854 F.2d 622, 625-26 (2d Cir.)
- *Cohen v. Trump*, No. 28-35, 2024 WL 20558, at *2 (2d Cir. Jan. 2, 2024), *cert. denied*, 145 S. Ct. 415 (2024)
- *Ziglar v. Abbasi*, 582 U.S. 120, 180, 185-86 (2017)
- *Higazy v. Templeton*, 505 F.3d 161, 169 (2d Cir.)
- *Haley v. Tryon*, 12 F. Supp. 3d 578, 575 (W.D.N.Y.)
- *Sealey v. Giltner*, 116 F.3d 47, 51 (2d Cir.)
- *Holmes v. Cent. Intel. Agency*, 758 F. Supp. 3d 1538, 156 (W.D.N.Y. 2024)
- *Victorio v. DHS/ICE*, No. 6:24-CV-06540 EAW, 2025 WL 1235873, at *8 (W.D.N.Y. Apr. 29, 2025)
- *Victorto v. DHS/ICE*, 2025 WL 12353878, at *2 n.3
- *Yorzinski v. Imbert*, 39 F. Supp. 3d 218, 229 (D. Conn.)
- *Benetti v. U.S. Marshal Serv.*, No. 5:22-CV-050388-KES, 2023 WL 5485995, at *3 (D.S.D. Aug. 24, 2023)
- *Mescall v. Bronx Residential Ctr.*, No. 22-CV-4557 (LTS), 2022 WL 3362330, at *3 (S.D.N.Y. Aug. 15, 2022)
- *Du v. United States Dep't of Homeland Sec.*, No. 3:25-CV-644 (OAW), 2025 WL 1549098, at *8 (D. Conn. May 31, 2025)
- *Hads v. Fed. Bureau of Prisons*, No. CV1918394NLHMJS, 2021 WL 1085459, at *3-4 (D.N.J. Mar. 15, 2021)
- *Tendo v. United States*, No. 2:23-CV-438, 2024 WL 3650462, at *14 (D. Vt. Aug. 5, 2024)
- *Sabir v. Licon-Vitale*, No. 3:20-CV-01552 (VAB), 2022 WL 1291731, at *5 (D. Conn. Apr. 29, 2022)
- *Taylor v. NYC*, No. 20-CV-5036 (MKV), 2020 WL 4369602, at *3 (S.D.N.Y. July 30, 2020)
- *Kraft v. City of New York*, 823 F. App'x 62, 64 (2d Cir. 2020)
- *Chance v. Armstrong*, 148 F.3d 698, 702-03 (2d Cir.)
- *Estelle v. Gamble*, 429 U.S. 97, 104 (1976)
- *Smith v. Carpenter*, 316 F.3d 178, 183-84 (2d Cir.)
- *State Farm Mutual Automobile Insurance Co. v. Tri-Borough NY Medical Practice P.C.*, 120 F.4th 59, 79 (2d Cir.)
- *Speckman v. Fabrizio*, 547 F. Supp. 3d 239, 244 (N.D.N.Y.)
- *Arutyunyan v. Fed. Bureau of Investigation, New York State*, No. 17-3831, 2018 WL 11403559, at *1 (2d Cir. Mar. 26, 2018)
- *Intl Controls Corp. v. Vesco*, 556 F.2d 665, 668 (2d Cir.)
- *Palm Beach Strategic Income, LP v. Salzman*, 457 F. App'x 40, 43 (2d Cir. 2012)

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