

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Huston v. New York City

No. 25-CV-4272 (EK)(JAM) (E.D.N.Y. Feb. 26, 2026) · No. 25-CV-4272 (EK)(JAM) · Decided February 26, 2026

SUMMARY

The Eastern District of New York granted Jessica Huston's motion to proceed in forma pauperis but dismissed without prejudice her Section 1983 complaint alleging warrantless surveillance by New York City officials. The court held that she failed to allege a municipal policy or custom and did not identify any individual official personally involved in the alleged constitutional violations. The court granted leave to amend within thirty days and denied in forma pauperis status for any appeal.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Eric Komitee
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	February 26, 2026
DOCKET	25-CV-4272 (EK)(JAM)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a pro se civil-rights action under 42 U.S.C. § 1983 alleging warrantless surveillance in violation of the Fourth Amendment and moved to proceed in forma pauperis. The district court granted in forma pauperis status but dismissed the complaint without prejudice under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim.
STANDARD OF REVIEW	The court reviewed the complaint under the pleading standard requiring facts sufficient to state a claim that is plausible on its face and under the screening requirements of 28 U.S.C. § 1915(e)(2)(B). Well-pleaded, nonconclusory factual allegations were accepted as true, but legal conclusions were not.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jessica Huston v. New York City

TOPICS

section 1983

municipal liability

pleadings

motions to dismiss

civil procedure

PRACTICE AREAS

civil rights

constitutional law

civil procedure

municipal liability

remedies

QUESTIONS PRESENTED

1. Whether the complaint stated a municipal-liability claim under 42 U.S.C. § 1983 against New York City.
2. Whether the complaint stated a § 1983 claim against individual City officials when it did not identify any particular official or allege each defendant's personal involvement.
3. Whether the complaint could proceed against the New York City Police Department as a separate entity.

HOLDINGS

1. The complaint failed to state a § 1983 claim against New York City because it did not allege that the asserted injury resulted from a municipal custom or policy.
2. The complaint failed to state a claim against individual officials because it did not identify the officials allegedly responsible for the surveillance or differentiate their involvement in the alleged constitutional deprivation.
3. The claim could not proceed against the New York City Police Department because the Department lacks the capacity to be sued separately from the City.

KEY QUOTATIONS

“Plaintiff has not stated a claim for relief under Section 1983.”

“But her claim is deficient either way.”

“Her Section 1983 claim is therefore deficient and must be dismissed.”

FACTUAL BACKGROUND

Huston alleged that, beginning around 2020 or 2021, an unknown civilian told City police that she was engaged in criminal activity, after which unnamed City officials allegedly followed and watched her. She further alleged that City officials or employees tapped her phone and computer and could see her behind closed doors in her personal space, despite the absence of warrants under her name. She sought \$235 million in damages.

PROCEDURAL HISTORY

Huston filed a complaint against New York City alleging that unidentified City officials or employees surveilled her vehicle, residence, phone, computer, and other personal devices without warrants. The court granted her motion to proceed in forma pauperis, dismissed the complaint without prejudice, and granted thirty days to amend. The court warned that failure to amend would result in dismissal with prejudice and directed that no summons issue at that time.

DISPOSITION

dismissed

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Kiobel v. Royal Dutch Petroleum Co., 621 F.3d 111, 124 (2d Cir. 2010)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Ceara v. Deacon, 916 F.3d 208, 213 (2d Cir. 2019)
- Traguth v. Zuck, 710 F.2d 90, 95 (2d Cir. 1983)
- City of Oklahoma City v. Tuttle, 471 U.S. 808, 817 (1985)
- Ying Li v. City of New York, 246 F. Supp. 3d 578, 598 (E.D.N.Y. 2017)
- Wright v. Smith, 21 F.3d 496, 501 (2d Cir. 1994)
- Ximines v. George Wingate High School, 516 F.3d 156, 160 (2d Cir. 2008)
- Coppedge v. United States, 369 U.S. 438, 444-45 (1962)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK -----
-----x JESSICA HUSTON, Plaintiff, MEMORANDUM & ORDER 25-CV-4272 (EK)
(JAM) -against- NEW YORK CITY, Defendant. -----x ERIC KOMITEE,
United States District Judge: Plaintiff Jessica Huston brings this civil rights action against the City
of New York.

Representing herself, she alleges that City officials have engaged in warrantless surveillance of her vehicle, residence, and personal devices, thereby violating her rights under the Fourth Amendment. She moves to proceed in forma pauperis. That motion is granted, but the complaint is dismissed because it does not state a claim on which relief can be granted.

Background The following factual allegations are drawn from the complaint, and are presumed true for purposes of this order. Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007). In “[a]bout 2020 or 2021,” an “unknown civilian” told City police officers that plaintiff was engaged in “criminal activity.” Compl. 5, ECF No. 1. This led unnamed City officials to “follow and watch” her.

Id. She alleges that these officials or employees have tapped her phone and computer, and can “see [her] behind closed doors within [her] personal space.” Id. at 8. This surveillance occurred even though there are “no search, seizure or surveillance warrants under [plaintiff’s] name.” Id. at 5. She seeks \$235 million in damages. Id. at 6. Legal Standard A complaint must plead facts sufficient to “state a claim to relief that is plausible on its face.” Twombly, 550 U.S. at 570.1 The

Court must accept the truth of “well-pleaded, nonconclusory factual allegations,” *Kiobel v. Royal Dutch Petroleum Co.*, 621 F.3d 111, 124 (2d Cir.

2010), but it need not accept “legal conclusions” as true. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A pro se complaint should be liberally construed. *Ceara v. Deacon*, 916 F.3d 208, 213 (2d Cir. 2019). Still, an unrepresented plaintiff is not exempt from “compliance with relevant rules of procedural and substantive law.” *Traguth v. Zuck*, 710 F.2d 90, 95 (2d Cir.

1983). A district court may dismiss an in forma pauperis action if it concludes that the action “(i) is frivolous or malicious; (ii) fails to state a 1 Unless otherwise noted, when quoting judicial decisions this order accepts all alterations and omits all citations, footnotes, and internal quotation marks. claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. §§ 1915(e)(2)(B).

Discussion Plaintiff has not stated a claim for relief under Section 1983. Based on the allegations in the complaint, it is unclear whether plaintiff is suing New York City as a municipality, or certain officials acting on the City’s behalf. But her claim is deficient either way.

To state a Section 1983 claim against a municipality, a plaintiff must allege that her injury flowed from a “municipal custom or policy.” *City of Oklahoma City v. Tuttle*, 471 U.S. 808, 817 (1985). Plaintiff alleges no such custom or policy here. So, to the extent she seeks to hold the municipality liable, her claim is dismissed.² When a plaintiff sues individual officials under Section 1983, pleadings that “do not differentiate which defendant was involved in the unlawful conduct are insufficient to state a claim.” *Ying Li v. City of New York*, 246 F. Supp. 3d 578, 598 (E.D.N.Y.

2017) (collecting cases); see also *Wright v. 2* In her complaint, plaintiff lists the City’s address as 1 Police Plaza, which is the address for the New York Police Department. Thus, one could construe the complaint as against the Department. But the NYPD, “as distinct from the City itself, lack[s] the capacity to be sued.” *Ximines v. George Wingate High Sch.*, 516 F.3d 156, 160 (2d Cir.

2008). So, plaintiff’s claim cannot proceed against the Department either. *Smith*, 21 F.3d 496, 501 (2d Cir. 1994) (“It is well settled in this Circuit that personal involvement of defendants in alleged constitutional deprivations is a prerequisite to an award of damages under [Section] 1983.” (emphasis added)).

Here, plaintiff simply alleges that unspecified “defendant[s]” surveilled her without a warrant. Compl. 5, 8. She never identifies (by name or otherwise) a particular official that acted unconstitutionally. Her Section 1983 claim is therefore deficient and must be dismissed. Conclusion For the foregoing reasons, the motion to proceed in forma pauperis is granted, but the complaint is dismissed without prejudice.

Plaintiff may, within thirty days of this order, file an amended complaint that corrects the deficiencies identified herein. She is further advised that any amended complaint will completely replace the original complaint, that it must be captioned "Amended Complaint," and that it must bear the same docket number as this order: 25-CV-4272 (EK)(JAM). If plaintiff does not file an amended complaint within thirty days, dismissal will be with prejudice and the Clerk of Court will enter judgment.

No summons shall issue at this time and all further proceedings shall be stayed. The Clerk of Court is directed to mail a copy of this order, along with a form complaint for violation of civil rights, to plaintiff and to note the mailing on the docket.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore denies in forma pauperis status for the purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). SO ORDERED. /s/ Eric Komitee ERIC KOMITEE United States District Judge Dated: February 26, 2026 Brooklyn, New York