

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW
HAMPSHIRE

Frank Staples and Kathleen Bussiere v. Governor, NH, State of et al.

Staples · No. 24-cv-331-LM-TSM · Decided March 30, 2026

SUMMARY

The United States District Court for the District of New Hampshire approved a magistrate judge's Report and Recommendation in part, modifying the basis for dismissal of the plaintiffs' individual-capacity claims against the Governor and Attorney General to qualified immunity. The court granted the defendants' motion to dismiss, denied the motion for a preliminary injunction, and directed the clerk to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the District of New Hampshire
JURISDICTION	United States District Court for the District of New Hampshire
DECIDED	March 30, 2026
DOCKET	24-cv-331-LM-TSM
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs objected to a magistrate judge's Report and Recommendation addressing defendants' motion to dismiss. The district court approved the Report and Recommendation except that it dismissed certain individual-capacity claims on qualified-immunity grounds rather than for failure to state a claim. The court also ruled on plaintiffs' motion for a preliminary injunction.
STANDARD OF REVIEW	At the motion-to-dismiss stage, the court may decide qualified immunity when the facts alleged do not establish a violation of a clearly established constitutional right. The court reviewed the Report and Recommendation after plaintiffs' objection.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation.
PARTIES	Frank Staples, Kathleen Bussiere v. Governor, NH, State of New Hampshire, et al.

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QUESTIONS PRESENTED

1. Whether qualified immunity required dismissal of plaintiffs' individual-capacity constitutional claims against Governor Sununu and Attorney General Formella.
2. Whether qualified immunity may be resolved at the motion-to-dismiss stage based on the facts alleged in the complaint.
3. Whether plaintiffs were entitled to a preliminary injunction.

HOLDINGS

1. The individual-capacity claims against Governor Sununu and Attorney General Formella arising from the October 13, 2021 incident were dismissed on qualified-immunity grounds because plaintiffs failed to demonstrate that the alleged constitutional violations involved clearly established rights.
2. Qualified immunity may be resolved on a motion to dismiss when the facts alleged by the plaintiff do not establish a violation of a constitutional right that was clearly established at the time of the alleged misconduct.
3. Plaintiffs' motion for a preliminary injunction was denied.

KEY QUOTATIONS

“The plaintiff bears the burden of demonstrating that the law was clearly established” (790 F.3d at 77)

“the facts that a plaintiff has alleged” (657 F.3d at 47)

FACTUAL BACKGROUND

Plaintiffs asserted individual-capacity claims against Governor Chris Sununu and Attorney General John Formella arising from an October 13, 2021 incident under the First, Fourth, and Fourteenth Amendments. They also sought a preliminary injunction. The court assumed, for purposes of qualified-immunity analysis, that plaintiffs plausibly alleged constitutional violations, but concluded they had not shown that the alleged violations involved clearly established rights.

PROCEDURAL HISTORY

Magistrate Judge Talesha L. Saint-Marc issued a Report and Recommendation dated February 12, 2026. After considering plaintiffs' objection, the district court approved the recommendation in all respects except the stated basis for dismissal of the individual-capacity claims against Governor Sununu and Attorney General Formella arising from the October 13, 2021 incident. The court granted defendants' motion to dismiss, denied the preliminary-injunction motion, directed entry of judgment, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Mitchell v. Miller, 790 F.3d 73, 77-78 (1st Cir. 2015)
- Haley v. City of Boston, 657 F.3d 39, 47 (1st Cir. 2011)
- Pearson v. Callahan, 555 U.S. 223, 232 (1984)

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