

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

Shawn Carrier v. Jay DelGrosso, Elizabeth Leamon, and Brian Mezick

Carrier · No. 3:25-cv-01808 (VAB) · Decided December 2, 2025

SUMMARY

The document is a magistrate judge's ruling granting Shawn Carrier leave to proceed in forma pauperis and recommending dismissal without prejudice of his complaint under 28 U.S.C. § 1915(e). The court concluded that the complaint did not plausibly allege misconduct by the named defendants, lacked sufficient jurisdictional and factual support, and sought monetary relief from defendants who were immune in their official capacities. The recommendation allowed Carrier to file an amended complaint and advised him of the deadline and consequences for objecting.

CASE DETAILS

COURT	United States District Court for the District of Connecticut
WRITING FOR THE COURT	Thomas O. Farrish
JURISDICTION	United States District Court for the District of Connecticut
DECIDED	December 2, 2025
DOCKET	3:25-cv-01808 (VAB)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to proceed in forma pauperis. On referral from the district judge, the magistrate judge granted the IFP motion and issued a recommended ruling that the complaint be dismissed without prejudice under 28 U.S.C. § 1915(e)(2).
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court must dismiss an IFP complaint that is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from an immune defendant. A complaint must contain sufficient factual matter to state a facially plausible claim, with pro se allegations construed liberally.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- section 1983
- motions to dismiss
- subject matter jurisdiction
- sovereign immunity

PRACTICE AREAS

civil procedure

civil rights

constitutional law

remedies

probate

QUESTIONS PRESENTED

1. Whether Carrier established eligibility to proceed in forma pauperis under 28 U.S.C. § 1915(a).
2. Whether the complaint stated a plausible claim under 42 U.S.C. § 1983 or any other cognizable theory against the named defendants.
3. Whether a potential theft or conversion claim was within the federal court's subject-matter jurisdiction.
4. Whether the complaint sought monetary relief from defendants protected by official-capacity or judicial immunity.

HOLDINGS

1. Carrier established that paying the filing fee would constitute a serious hardship and was therefore entitled to proceed in forma pauperis.
2. The complaint failed to state a plausible claim for relief against the named defendants and should be dismissed without prejudice.
3. A government official cannot be held liable under § 1983 solely because the official employed an individual who allegedly committed misconduct; liability requires personal involvement in the constitutional violation.
4. The court would lack subject-matter jurisdiction over a potential state-law theft or conversion claim between Connecticut citizens absent an applicable federal jurisdictional basis.
5. The complaint's official-capacity claims for monetary relief were subject to dismissal under § 1915(e)(2)(B)(iii), and the probate judge would additionally be protected by judicial immunity.

KEY QUOTATIONS

“To “state a claim on which relief may be granted,” the plaintiff’s complaint must include enough factual allegations to add up to a legally meritorious claim, assuming that he could prove them.” (Section II)

“A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” (Section II)

“Absent vicarious liability, each Government official, his or her title notwithstanding, is only liable for his or her own misconduct.” (Section II)

“I recommend that Judge Bolden dismiss Mr. Carrier’s complaint. But I recommend that the dismissal be “without prejudice” to repleading.” (Section III)

FACTUAL BACKGROUND

Carrier alleged that he was involved in a dispute concerning property associated with his late grandfather's estate and that Stonington police officers threatened him. He sought an order barring alleged harassment, return of property in Stonington, and \$300,000 in damages. The complaint named Police Chief Jay DelGrosso, Probate

Judge Elizabeth Leamon, and Connecticut State Marshal Brian Mezick, but its factual allegations primarily concerned nonparty officers and other individuals.

PROCEDURAL HISTORY

Shawn Carrier filed a pro se complaint under 42 U.S.C. § 1983 against a police chief, a probate judge, and a state marshal, together with an application to proceed in forma pauperis. The district judge referred the IFP and initial-review inquiries to Magistrate Judge Thomas O. Farrish. The magistrate judge found that Carrier could not afford the filing fee but recommended dismissal of the complaint without prejudice because it failed to state a plausible claim, did not establish federal subject-matter jurisdiction for a potential property-conversion claim, and sought monetary relief from officials sued in their official capacities.

DISPOSITION

other

CASES CITED

- Coleman v. Tollefson, 575 U.S. 532, 534 (2015)
- Fiebelkorn v. United States, 77 Fed. Cl. 59, 62 (2007)
- Potnick v. E. State Hosp., 701 F.2d 243, 244 (2d Cir. 1983) (per curiam)
- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339 (1948)
- Arpino v. Spera, No. 3:22-cv-01114 (KAD), 2022 WL 21751856, at *3 (D. Conn. Sept. 22, 2022)
- Ortiz v. Tinnerello, No. 3:22-cv-1318 (AWT) (TOF), 2023 WL 11842871, at *1, *4 (D. Conn. Mar. 22, 2023)
- Neitzke v. Williams, 490 U.S. 319, 324 (1989)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-56, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 676-78 (2009)
- Lerman v. Bd. of Elections, 232 F.3d 135, 139-40 (2d Cir. 2000)
- Pabon v. Wright, 459 F.3d 241, 248 (2d Cir. 2006)
- Emiabata v. Bartolomeo, No. 3:21-cv-776 (OAW) (TOF), 2022 WL 4080348, at *5, *7 (D. Conn. Jan. 3, 2022)
- Phillips v. Girdich, 408 F.3d 124, 130 (2d Cir. 2005)
- Tangreti v. Bachmann, 983 F.3d 609, 618 (2d Cir. 2020)
- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Hamm v. Baio, No. 3:22-cv-401 (OAW) (TOF), 2023 WL 2867070, at *5 (D. Conn. Jan. 10, 2023)
- Miner v. Sheridan, No. 3:94-cv-1443 (AHN), 1999 WL 200694, at *10 n.14 (D. Conn. Mar. 29, 1999)
- Cuoco v. Moritsugu, 222 F.3d 99, 112 (2d Cir. 2000)
- Small v. Sec’y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989)
- Impala v. U.S. Dep’t of Justice, 670 F. App’x 32 (2d Cir. 2016) (summary order)
- Vega v. Univ. of Conn. Med. Ctr., No. 3:11-cv-1864 (AVC), 2012 WL 1825381, at *1 (D. Conn. May 16, 2012)

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