

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Bishme Smith v. Clarence Smith, et al.

Smith v. Smith · No. 5:25-CV-1077 (MAD/DJS) · Decided December 22, 2025

SUMMARY

The court adopted a magistrate judge's report and recommendation concerning a pro se plaintiff's constitutional, civil rights, and state-law claims. It deemed the amended complaint operative and referred it for screening under 28 U.S.C. § 1915(e), while denying the plaintiff's motion for reconsideration of the denial of emergency injunctive relief. The court also warned that further filings containing fabricated or hallucinated legal authorities could result in sanctions.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Mae A. D'Agostino
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	December 22, 2025
DOCKET	5:25-CV-1077 (MAD/DJS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's report-recommendation recommending dismissal of certain constitutional claims, dismissal with leave to amend of other constitutional claims, and declining supplemental jurisdiction over state-law claims. Plaintiff also filed an amended complaint as of right and moved for reconsideration of the denial of emergency injunctive relief.
STANDARD OF REVIEW	Specific objections to a magistrate judge's report-recommendation are reviewed de novo under 28 U.S.C. § 636(b)(1); general or conclusory objections are reviewed for clear error. Motions for reconsideration are subject to a strict standard requiring an intervening change in controlling law, newly available evidence, or the need to correct clear error or prevent manifest injustice.
PRECEDENTIAL VALUE	Unknown; district court memorandum-decision and order with no reporter or neutral citation identified.

PARTIES

Bishme Smith v. Clarence J. Smith, Yolanda King, Anthony Mangovski, Esq., Heather A. Vincent, Esq.

TOPICS

civil procedure

motion for reconsideration

injunctions

section 1983

sanctions

PRACTICE AREAS

civil procedure

civil rights

constitutional law

federal courts

pro se litigation

QUESTIONS PRESENTED

1. Whether Plaintiff's objections to the magistrate judge's report-recommendation were sufficiently specific to warrant de novo review.
2. Whether the magistrate judge clearly erred in recommending dismissal or dismissal with leave to amend of Plaintiff's federal claims and declining supplemental jurisdiction over the state-law claims.
3. Whether Plaintiff's amended complaint filed under Rule 15(a)(1)(A) superseded the original complaint and required screening under 28 U.S.C. § 1915(e).
4. Whether Plaintiff established grounds for reconsideration of the denial of emergency injunctive relief.
5. Whether the Court should warn Plaintiff that future filings containing fabricated or hallucinated legal authorities may result in sanctions.

HOLDINGS

1. Plaintiff's objections were frivolous and insufficiently specific because the relevant substantive objection relied on fictitious or materially invalid case law; therefore, the R&R was reviewed for clear error rather than de novo.
2. The Court found no clear error in the magistrate judge's R&R and adopted it in its entirety.
3. Plaintiff's amended complaint filed as of right superseded and replaced the original complaint and became the operative pleading, requiring review for pleading sufficiency under 28 U.S.C. § 1915(e).
4. The motion for reconsideration was denied because Plaintiff identified no intervening change in controlling law, newly available evidence, clear error, or manifest injustice, and the Court was required to abstain from interfering with ongoing state proceedings.

KEY QUOTATIONS

"The amended complaint supersedes and replaces the original complaint, rendering it of no legal effect."
(Discussion § III.B.2)

"This Court finds the latter approach more appropriate and hereby directs Plaintiff to refrain from any further use of hallucinated or fabricated caselaw in submissions before the Court." (Discussion § III.D)

FACTUAL BACKGROUND

Plaintiff brought federal constitutional claims, a § 1985 claim, and pendent state-law claims against several individuals, including attorneys and other participants in state-related proceedings. His objections relied on several nonexistent or materially mis-cited cases, and he separately sought emergency injunctive relief concerning ongoing custodial, guardianship, and juvenile-delinquency proceedings. Plaintiff later filed an amended complaint adding substantial allegations, new defendants, and additional causes of action.

PROCEDURAL HISTORY

Plaintiff commenced this § 1983, § 1985, and state-law action on August 12, 2025, and was granted leave to proceed in forma pauperis. Magistrate Judge Stewart issued an R&R recommending dismissal or dismissal with leave to amend based on pleading deficiencies, and Plaintiff filed objections and an amended complaint. The district court reviewed the objections for clear error, adopted the R&R, deemed the amended complaint operative, referred it to the magistrate judge for screening under 28 U.S.C. § 1915(e), and denied reconsideration of the prior denial of emergency injunctive relief.

DISPOSITION

other

REMAND INSTRUCTIONS

The amended complaint is referred or recommitted to Magistrate Judge Daniel J. Stewart for review of its pleading sufficiency under 28 U.S.C. § 1915(e).

CASES CITED

- Petersen v. Astrue, 2 F. Supp. 3d 223, 228 (N.D.N.Y. 2013)
- O'Diah v. Mawhir, No. 9:08-CV-322, 2011 WL 933846, *1 (N.D.N.Y. Mar. 16, 2011)
- Govan v. Campbell, 289 F. Supp. 2d 289, 295 (N.D.N.Y. 2003)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Traguth v. Zuck, 710 F.2d 90, 95 (2d Cir. 1983)
- Shomo v. City of New York, 579 F.3d 176, 183 (2d Cir. 2009)
- Anderson v. Coughlin, 700 F.2d 37, 41 (2d Cir. 1983)
- Townsend v. Pep Boys, Manny Moe and Jack, No. 1:13-CV-293, 2014 WL 4826681, *2 (N.D.N.Y. Sept. 29, 2014)
- Park v. Kim, 91 F.4th 610, 615 (2d Cir. 2024)
- Mata v. Avianca, Inc., 678 F. Supp. 3d 443, 461 (S.D.N.Y. 2023)
- Doctor v. Seaboard Coast Line R. Co., 540 F.2d 699 (4th Cir. 1976)
- Federal Refinance Co. Inc. v. Klock, 352 F.3d 16 (1st Cir. 2003)
- United States v. Boutte, 13 F.3d 855 (5th Cir. 1995)
- Shields v. Citytrust Bancorp, Inc., 25 F.3d 1124, 1128 (2d Cir. 1994)
- Int'l Controls Corp. v. Vesco, 556 F.2d 665, 668 (2d Cir. 1977)

- United States v. Zhu, 41 F. Supp. 3d 341, 342 (S.D.N.Y. 2014)
- Virgin Atl. Airways, Ltd. v. Nat'l Mediation Bd., 956 F.2d 1245, 1255 (2d Cir. 1992)
- Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995)
- S.E.C. v. Wojeski, 752 F. Supp. 2d 220, 223 (N.D.N.Y. 2010)
- Smith v. S.E.C., 432 F. App'x 10 (2d Cir. 2011)
- Diamond "D" Const. Corp. v. McGowan, 282 F.3d 191, 198 (2d Cir. 2002)
- Younger v. Harris, 401 U.S. 37, 43-44 (1971)
- Phillips v. Schenectady Cnty. Child Support Unit, No. 1:24-CV-853, 2025 WL 895035, *5-7 (N.D.N.Y. Mar. 24, 2025)
- Bennett v. Mnuchin, No. 6:20-CV-00243, 2020 WL 4432662 (N.D.N.Y. July 31, 2020)
- Keir v. Schoeberl, No. 1:25-CV-056, 2025 WL 437953 (N.D.N.Y. Feb. 7, 2025)
- Salovaara v. Eckert, 222 F.3d 19, 34 (2d Cir. 2000)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Triestman v. Fed. Bureau of Prisons, 470 F.3d 471, 477 (2d Cir. 2006)
- Sanders v. United States, 176 Fed. Cl. 163, 169 (2025)
- Cooter & Gell v. Hartmarx Corp., 496 U.S. 384, 393 (1990)
- Ferris v. Amazon.com Services, LLC, 778 F. Supp. 3d 879, 881-82 (N.D. Miss. 2025)
- Kruglyak v. Home Depot U.S.A. Inc., 774 F. Supp. 3d 767, 772 (W.D. Va. 2025)
- Dukuray v. Experian Info. Sols., No. 23 CIV. 9043, 2024 WL 3812259, *12 (S.D.N.Y. July 26, 2024)

OPINION

Bishme Smith v. Clarence Smith, et al.

PER CURIAM.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

BISHME SMITH,

Plaintiff, vs. 5:25-CV-1077

(MAD/DJS)

CLARENCE SMITH, et al., Defendants. _____

APPEARANCES: OF COUNSEL:

BISHME SMITH

PO Box 7063 Syracuse, New York 13261 Plaintiff, Pro se Mae A. D'Agostino, U.S. District Judge:

MEMORANDUM-DECISION AND ORDER

I. INTRODUCTION

On August 12, 2025, pro se Plaintiff Bishme Smith commenced this action against Clarence J. Smith ("Defendant Smith"), Yolanda King ("Defendant King"), Anthony Mangovski, Esq. ("Defendant Mangovski"), and Heather A. Vincent, Esq. ("Defendant Vincent") (collectively,

"Defendants"), bringing nine identifiable claims, including claims for violations of his constitutional rights pursuant to 42 U.S.C. § 1983, one claim pursuant to 42 U.S.C. § 1985, and pendent state law claims. See Dkt. No. 1. On September 15, 2025, Magistrate Judge Daniel J. Stewart issued a Report- Recommendation and Order (the "R&R"), recommending that (1) Plaintiff's complaint be dismissed with prejudice as to Plaintiff's constitutional claims against Defendant Mangovski and Defendant Vincent; (2) Plaintiff's complaint be dismissed without prejudice and with leave to amend as to Plaintiff's constitutional claims against Defendant Smith and Defendant King; and (3) the Court decline to exercise its supplemental jurisdiction over Plaintiff's causes of action arising under state law. See Dkt. No. 6 at 4-9. Magistrate Judge Stewart also granted Plaintiff's application to proceed in forma pauperis ("IFP"). See *id.* at 1. On September 19, 2025, Plaintiff filed objections to the R&R (the "Objections"). See Dkt. No. 7. On September 19, 2025, Plaintiff also filed an amended complaint as of right, pursuant to Rule 15(a)(1)(A) of the Federal Rules of Civil Procedure. See Dkt. No. 10. The amended complaint appears to have significant additions to the allegations contained in Plaintiff's original complaint. Notably, the amended complaint is fourteen pages longer, and adds at least eight Defendants as well as nine additional labeled causes of action. Compare Dkt. No. 1 with Dkt. No. 10. Additionally, on September 19, 2025, Plaintiff filed an Emergency Motion for Preliminary Injunction and Emergency Motion for Temporary Restraining Order. See Dkt. No. 8. The Court denied Plaintiff's emergency motion, and, on September 30, 2025, Plaintiff filed a motion for reconsideration. See Dkt. Nos. 11, 12. For the reasons that follow, the R&R is adopted in its entirety, the amended complaint is referred to Magistrate Judge Stewart for his review of its pleading sufficiency pursuant to 28 U.S.C. § 1915(e), and Plaintiff's motion for reconsideration of this Court's Order denying his Emergency Motion for Preliminary Injunction and Emergency Motion for Temporary Restraining Order is denied.

II. BACKGROUND

For a summary recitation of the background, the parties are referred to the R&R. See Dkt. No. 6 at 2.

III. DISCUSSION

A. Standard of Review When a party files specific objections to a magistrate judge's report-recommendation, the district court makes a "de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). "To be 'specific', the objection must, with particularity, 'identify [1] the portions of the proposed findings, recommendations, or report to which it has an objection and [2] the basis for the objection.'" *Petersen v. Astrue*, 2 F. Supp. 3d 223, 228 (N.D.N.Y. 2012) (citation and footnote omitted). However, when a party files "[g]eneral or conclusory objections or objections which merely recite the same arguments [that he presented] to the magistrate judge," the court reviews those recommendations for clear error. *O'Diah v. Mawhir*, No. 9:08-CV-322, 2011 WL 933846, *1 (N.D.N.Y. Mar. 16, 2011) (citations and footnote omitted). After the appropriate review, "[a] judge

. . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "[I]n a pro se case, the court must view the submissions by a more lenient standard than that accorded to 'formal pleadings drafted by lawyers.'" *Govan v. Campbell*, 289 F. Supp. 2d 289, 295 (N.D.N.Y. 2007) (quoting *Haines v. Kerner*, 404 U.S. 519, 520 (1972)) (other citations omitted). The Court is obligated to "make reasonable allowances to protect pro se litigants from inadvertent forfeiture of important rights because of their lack of legal training." *Id.* (quoting *Traguth v. Zuck*, 710 F.2d 90, 95 (2d Cir. 1983)) (internal quotation marks omitted). In general, a court should not dismiss a pro se litigant's complaint without granting leave to amend at least once "when a liberal reading of the complaint gives any indication that a valid claim might be stated." *Shomo v. City of New York*, 579 F.3d 176, 183 (2d Cir. 2009) (quotation and internal quotation marks omitted). In addition, the court should exercise "extreme caution . . . in ordering sua sponte dismissal of a pro se complaint before the adverse party has been served and both parties (but particularly the plaintiff) have had the opportunity to respond." *Anderson v. Coughlin*, 700 F.2d 37, 41 (2d Cir. 1983) (emphasis in original). An opportunity to amend, however, is not required where "'the problem with plaintiff's cause of action is substantive' such that 'better pleading will not cure it.'" *Townsend v. Pep Boys, Manny Moe and Jack*, No. 1:13- CV-293, 2014 WL 4826681, *2 (N.D.N.Y. Sept. 29, 2014) (quoting *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000)). B. Objections to R&R In the R&R, Magistrate Judge Stewart's conclusions are confined to three categories: (1) for purposes of the § 1983 claims, the complaint fails to allege that any Defendants acted under the color of state law; (2) for purposes of the § 1985 claim, the complaint fails to allege any racial or class-based animus; and (3) because Plaintiff has failed to state a claim arising under federal law or allege complete diversity of the parties, the Court should decline to exercise supplemental jurisdiction over Plaintiff's state law claims. See Dkt. No. 6. Plaintiff's submission sets forth five objections, through which he requests that the Court reject the R&R: (1) that, as a matter of law, court-appointed attorneys act under the color of state law "when they make statements in a governmental adjudicative context"; (2) that participation in an Attorney Grievance Committee proceeding is a "governmental action" which satisfies the state action requirement for a § 1983 claim; (3) his act of filing a grievance with the Attorney Grievance Committee was protected under the First Amendment; (4) his defamation per se claim was properly pleaded; and (5) he has a procedural right to amend his pleading under Fed. R. Civ. P. 15(a)(1). See Dkt. No. 7 at 1. As such, Plaintiff raises only a single objection that touches on the substance of Magistrate Judge Stewart's recommendations: whether Defendants Mangovski and Vincent acted under the color of state law. However, based on the following analysis, the Court finds that Plaintiff's single relevant objection does not require this Court to engage in de novo review of the R&R because the objection is premised on fictitious case law.

1. Indicia of Generative Artificial Intelligence ("GenAI") Usage

Upon thorough review, the Objections appear to be drafted in a distinctive style and syntax

characteristic of text generated by an artificial intelligence program. Most notably, Plaintiff supports his individual objections with a section heading titled, "Legal Standard." See Dkt. No. 7 at 2. This section contains case citations, together with concise statements of legal doctrine, intended to support Plaintiff's substantive objections in the succeeding argument section. *Id.* at 2-3. For example, Plaintiff cites to, "In re D.C. Judicial Conflicts of Interest, 540 F.2d 711 (D.C. Cir. 1976)"; "In re B.W., 352 F.3d 29 (2d Cir. 2003)"; and "Wilkinson v. United States, 13 F.3d 855 (2d Cir. 1994)." *Id.* at 2. However, these cases do not exist. Indeed, there does not exist a federal case by the name "In re D.C. Judicial Conflicts of Interest." Moreover, the citation provided by Plaintiff, "540 F.2d 711," is invalid; the closest case in the reporter, *Doctor v. Seaboard Coast Line R. Co.*, 540 F.2d 699 (4th Cir. 1976), is an unrelated matter involving race-based employment discrimination. The same is true for "In re B.W." and "Wilkinson": these cases do not appear to exist and the claims, defenses, and other legal issues analyzed in the cases with similar or identical reporter citations do not relate, even remotely, to the issues at hand. See, e.g., *Federal Refinance Co. Inc., v. Klock*, 352 F.3d 16 (1st Cir. 2003) (the case closest to the citation "352 F.3d 29" which is entirely irrelevant to the present issues); *United States v. Boutte*, 13 F.3d 855 (5th Cir. 1995) (the actual case at "13 F.3d 855," a criminal action that has nothing to do with the matter at hand). Plaintiff's citation to fictitious cases appears to be the result of GenAI "hallucinations" where "false 'facts' [are] generated by GenAI systems and can occur due a number of issues, including incomplete or inaccurate data sets, confusing or misworded prompts, or answers that are irrelevant to a given question." Zach Warren, GenAI hallucinations are still pervasive in legal filings, but better lawyering is the cure, *Thomas Reuters* (Aug. 18, 2025), <https://www.thomsonreuters.com/en-us/posts/technology/genai-hallucinations/>. "It is no secret that generative AI programs are known to 'hallucinate' nonexistent cases, and with the advent of AI, courts have seen a rash of cases in which both counsel and pro se litigants have cited such fake, hallucinated cases in their briefs." *Sanders v. United States*, 176 Fed.Cl. 163, 169 (2025). The present matter is, unfortunately, no exception. In sum, the "legal standards" cited by Plaintiff reference either non-existent cases or existing cases that, by no reasonable interpretation, support or accurately address the objections raised. Federal statute allows for judicial review of timely made objections to a magistrate judge's report and recommendation. See 28 U.S.C. § 636(b)(1). However, meaningful judicial review on the merits of an objection cannot be undertaken when the arguments advanced rely upon nonexistent or fabricated law. Indeed, the Second Circuit has explained that filings which contain "[a] fake opinion [that] is not existing law," do "not provide a non-frivolous ground for extending, modifying, or reversing existing law, or for establishing new law." *Park v. Kim*, 91 F.4th 610, 615 (2d Cir. 2024) (quoting *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 461 (S.D.N.Y. 2023)) (internal quotation marks omitted). And, further, "[a]n attempt to persuade a court . . . by relying on fake opinions is an abuse of the adversary system." *Id.* (quoting *Mata*, 678 F. Supp. 3d at 461) (internal quotation marks omitted). For these reasons, the Court finds the Objections to be frivolous, without merit, and insufficient to raise specific objections that

warrant de novo review of the R&R. The R&R will, therefore, be reviewed under the clear error standard.

2. Review of the R&R

After carefully reviewing the entire record and the relevant filings, the Court discerns no clear error in Magistrate Judge Stewart's R&R. Magistrate Judge Stewart employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. Accordingly, the R&R is accepted and adopted in its entirety for the reasons set forth therein. To those reasons, the Court adds the following analysis. The amended complaint appears, in part, to be an attempt to correct the deficiencies in the complaint identified by Magistrate Judge Stewart. Plaintiff was entitled to file an amended complaint one time without the opposing parties' written consent or the Court's leave. See Fed. R. Civ. P. 15(a)(1). The amended complaint supersedes and replaces the original complaint, rendering it of no legal effect. See *Shields v. Citytrust Bancorp, Inc.*, 25 F.3d 1124, 1128 (2d Cir. 1994) ("It is well established that an amended complaint ordinarily supersedes the original, and renders it of no legal effect") (quoting *Int'l Controls Corp. v. Vesco*, 556 F.2d 665, 668 (2d Cir. 1977)). As such, the amended complaint must be reviewed to determine whether Plaintiff has corrected the pleading defects identified by Magistrate Judge Stewart. Moreover, the amended complaint asserts an array of new claims against new parties, based on theories that were not present in the original complaint; these claims must be analyzed to determine whether they are plagued by similar or other pleading defects. Accordingly, the Court will recommit the matter to Magistrate Judge Stewart so he can analyze the claims in the amended complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(iii). C. Motion for Reconsideration The Court denied Plaintiff's Emergency Motion for Preliminary Injunction and Emergency Motion for Temporary Restraining Order pursuant to Younger abstention and because Plaintiff did not state adequate grounds for an injunction against non-parties pursuant to Rule 65 of the Federal Rules of Civil Procedure. See Dkt. No. 11. Plaintiff now seeks reconsideration. See Dkt. No. 12. In general, a motion for reconsideration may only be granted upon one of three grounds:

(1) "an intervening change of controlling law," (2) "the availability of new evidence," or (3) "the need to correct a clear error of law or prevent manifest injustice." *United States v. Zhu*, 41 F. Supp. 3d 341, 342 (S.D.N.Y. 2014) (quoting *Virgin Atl. Airways, Ltd. v. Nat'l Mediation Bd.*, 956 F.2d 1245, 1255 (2d Cir. 1992)). "[A] motion to reconsider should not be granted where the moving party seeks solely to relitigate an issue already decided." *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995). "[R]econsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked—matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." *Id.* (citations omitted). "The standard for reconsideration is strict and is committed to the discretion of the court." *S.E.C. v. Wojeski*, 752 F. Supp. 2d 220, 223 (N.D.N.Y. 2010) *aff'd sub nom. Smith v. S.E.C.*, 432 Fed. Appx. 10 (2d Cir. 2011) (citations omitted). In his motion for reconsideration, Plaintiff seeks the same relief on nearly identical grounds to those raised in his original motion. See Dkt. No. 12. The

Court reiterates that, as a matter of public policy, federal courts must "abstain from taking jurisdiction over federal constitutional claims that involve or call into question ongoing state proceedings." *Diamond "D" Const. Corp. v. McGowan*, 282 F.3d 191, 198 (2d Cir. 2002) (citing *Younger v. Harris*, 401 U.S. 37, 43-44 (1971)); see also *Phillips v. Schenectady Cnty. Child Support Unit*, No. 1:24-CV-853, 2025 WL 895035, *5-7 (N.D.N.Y. Mar. 24, 2025), report and recommendation adopted, 2025 WL 1191320 (N.D.N.Y. Apr. 24, 2025), appeal dismissed (Sept. 18, 2025) (recognizing that abstention is necessary when federal court action would interfere with an ongoing child custody matter in family court or state court). As Plaintiff asks this Court to stay, vacate, or otherwise interfere with custodial, guardianship, and juvenile delinquency proceedings, the Court must abstain from jurisdiction. Plaintiff has not met the strict standards for reconsideration and, therefore, his motion is denied. The Court also notes that Plaintiff's motion for reconsideration is rife with mis-citations and appears to be in the same distinctive style and syntax characteristic of text generated by an AI program. See Dkt. No. 12. For example, none of the citations under the heading "Controlling Case Law" are correct. See *id.* at 4-5. Upon further investigation, there do appear to be Northern District cases by the name of "*Bennett v. Mnuchin*" and "*Keir v. Schoeberl*"; however, the citations provided by Plaintiff ("2020 WL 3214565" and "2025 WL 1123456," respectively) are entirely incorrect. See *Bennett v. Mnuchin*, No. 6:20-CV-00243, 2020 WL 4432662 (N.D.N.Y. July 31, 2020); *Keir v. Schoeberl*, No. 1:25-CV-056, 2025 WL 437953 (N.D.N.Y. Feb. 7, 2025). Although these cases are relevant to motions for reconsideration and are not entirely fictitious, Plaintiff has continued to waste judicial resources with his repeated mis-citation of legal authority.

D. Warning Regarding Sanctions for Abuse of the Adversary System

As a final matter, the Court must address potential penalties that may be imposed in the future if Plaintiff continues to file papers riddled with GenAI misuse and/or fictional caselaw. Rule 11(b)(2) of the Federal Rules of Civil Procedure states: By presenting to the court a pleading, written motion, or other paper—whether by signing, filing, submitting, or later advocating it—an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances . . . the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law[.] A party may be sanctioned under Rule 11 for frivolous arguments that "constitute . . . [an] abuse of the adversary system." *Salovaara v. Eckert*, 222 F.3d 19, 34 (2nd Cir. 2000). Although "a document filed pro se is 'to be liberally construed,'" *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quotation omitted), "pro se status 'does not exempt a party from compliance with relevant rules of procedural and substantive law,'" *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 477 (2d Cir. 2006) (quotation omitted). "[C]ourts afford pro se litigants considerable leeway, [but] that leeway does not relieve pro se litigants of their obligation under Rule 11 to confirm the validity of any cited legal authority." *Sanders*, 176 Fed.Cl. at 169 (citation omitted). The purpose of Rule 11, which applies to pro se litigants, is to "deter baseless filings in district court." *Cooter & Gell v.*

Hartmarx Corp., 496 U.S. 384, 393 (1990). A legal filing "built on AI-generated cases that stand for legal propositions in direct contravention of actual case law . . . is the epitome of baseless," and patently violates Rule 11. Sanders, 176 Fed.Cl. at 169. Some federal courts have sanctioned pro se litigants under Rule 11 for filing submissions that included hallucinated, AI-generated case citations. See, e.g., Ferris v. Amazon.com Services, LLC, 778 F. Supp. 3d 879, 881-82 (N.D. Miss. 2025) (finding the payment of defense's legal fees to respond to a filing appropriate sanction for pro se plaintiff's use of AI-generated case law in submission). However, in light of the novel implications of GenAI use in legal practice and the liberal construction typically afforded to pro se litigants, other courts have deemed it more appropriate to issue a firm warning concerning the submission of hallucinated caselaw rather than impose Rule 11 sanctions in the first instance. See Kruglyak v. Home Depot U.S.A. Inc., 774 F. Supp. 3d 767, 772 (W.D. Va. 2025) (finding a warning, rather than sanctions, was appropriate for pro se litigant's use of GenAI in submissions given a lack of subjective bad faith). This Court finds the latter approach more appropriate and hereby directs Plaintiff to refrain from any further use of hallucinated or fabricated caselaw in submissions before the Court. Plaintiff has now been made aware of risks of using AI, and is on notice that he may be subject to sanctions should he cite fake, AI-generated legal authority again. Accordingly, Plaintiff is advised that any filings with citations to nonexistent cases may result in sanctions, including his filings being stricken, the imposition of filing restrictions, monetary penalties, or dismissal of this action. See Dukuray v. Experian Info. Sols., No. 23 CIV. 9043, 2024 WL 3812259, *12 (S.D.N.Y. July 26, 2024), report and recommendation adopted, 2024 WL 3936347 (S.D.N.Y. Aug. 26, 2024) (issuing similar warning to pro se plaintiff).

IV. CONCLUSION

After carefully considering Plaintiff's submissions, the R&R, other relevant filings, and the applicable law, the Court hereby ORDERS that Magistrate Judge Stewart's Report-Recommendation and Order (Dkt. No. 6) is ADOPTED in its entirety; and the Court further ORDERS that Plaintiff's amended complaint (Dkt. No. 10) is deemed the operative pleading in this action; and the Court further ORDERS that Plaintiff's amended complaint (Dkt. No. 10) is referred to Magistrate Judge Stewart for his review of its pleading sufficiency pursuant to 28 U.S.C. § 1915(e); and the Court further ORDERS that Plaintiff's motion for reconsideration (Dkt. No. 12) is DENIED; and the Court further ORDERS that the Clerk of the Court shall serve a copy of this Memorandum-Decision and Order on Plaintiff in accordance with the Local Rules. IT IS SO ORDERED. Dated: December 22, 2025 J) wt D ; 7 Albany, New York I 7 gs tpm "t, 3 Mae A. D'Agostino~/” U.S. District Judge 12