

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)