

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Willie L. Joe v. Fire Department of New York et al.

24-CV-1205(EK)(SDE) · No. 24-CV-1205(EK)(SDE) · Decided December 22, 2025

SUMMARY

The United States District Court for the Eastern District of New York dismissed Willie L. Joe’s amended pro se complaint against the New York City Fire Department, the City of New York, and others. The court held that the personal-injury claims arising from a 2013 ambulance accident were time-barred and that the plaintiff had not established a basis for equitable tolling. The dismissal was with prejudice, and the court 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	December 22, 2025
DOCKET	24-CV-1205(EK)(SDE)
DISPOSITION	dismissed
PROCEDURAL POSTURE	After the court dismissed plaintiff’s original in forma pauperis complaint as time-barred and granted leave to amend to establish compliance with or a basis for equitable tolling of the statute of limitations, plaintiff filed an amended complaint. The court screened and dismissed the amended complaint with prejudice under 28 U.S.C. § 1915(e)(2)(B).
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court must dismiss an in forma pauperis action that is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. A complaint must contain sufficient factual matter to state a plausible claim. Dismissal at the screening stage is appropriate when an affirmative defense such as the statute of limitations is apparent from the pleading. Pro se complaints are liberally construed but remain subject to relevant procedural and substantive rules.
PRECEDENTIAL VALUE	unpublished

PARTIES

Willie L. Joe v. Fire Department of New York, City of New York,
Kevin Simpkin, Jane Doe

TOPICS

statute of limitations

civil procedure

motions to dismiss

municipal liability

negligence

PRACTICE AREAS

civil procedure

statute of limitations

torts

municipal law

QUESTIONS PRESENTED

1. Whether the amended complaint was barred by the statute of limitations.
2. Whether plaintiff's allegations established a basis for equitable tolling under New York law.
3. Whether further leave to amend should be granted.

HOLDINGS

1. The amended complaint was time-barred because plaintiff's claim accrued on November 1, 2013, the limitations period expired on October 31, 2016, and the action was filed in February 2024.
2. Plaintiff did not establish a basis for equitable tolling because he failed to show fraud, misrepresentation, or deception that induced him to forgo timely filing, and he did not demonstrate the requisite diligence.
3. Further amendment was denied because it would be futile.

KEY QUOTATIONS

"A complaint must plead 'enough facts to state a claim to relief that is plausible on its face.'" (550 U.S. at 570)

"Under New York law, the doctrine[] of equitable tolling . . . may be invoked . . . when the plaintiff was induced by fraud, misrepresentations or deception to refrain from filing a timely action." (480 F.3d at 642)

"Due diligence on the part of the plaintiff in bringing an action . . . is an essential element of equitable relief." (480 F.3d at 642)

"The dismissal with prejudice of a lawsuit does not toll the statute of limitations." (199 F. App'x at 48)

FACTUAL BACKGROUND

Plaintiff alleged that an ambulance struck him while he was crossing a Brooklyn street on November 1, 2013. He previously pursued a state-court action concerning the same injuries, which was discontinued with prejudice on November 26, 2018. Plaintiff alleged that his former attorney declined to pursue the claims after viewing an accident video and that his treating doctor would not testify. He also invoked the COVID-19 pandemic, alleged that he had pursued the matter in appellate courts, and asserted that the state courts were racially biased.

PROCEDURAL HISTORY

Plaintiff filed the action in February 2024, invoking diversity jurisdiction. The court previously dismissed the complaint as untimely but allowed amendment. Plaintiff's amended complaint relied on a prior state-court lawsuit, alleged attorney and medical-witness issues, and referenced the COVID-19 pandemic and alleged state-court bias. The court concluded that none of these allegations supported equitable tolling, dismissed the amended complaint with prejudice, denied in forma pauperis status for any appeal, and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Matson v. Bd. of Educ., 631 F.3d 57, 63 (2d Cir. 2011)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Sealed Plaintiff v. Sealed Defendant, 537 F.3d 185, 191 (2d Cir. 2008)
- Traguth v. Zuck, 710 F.2d 90, 95 (2d Cir. 1983)
- Pratts v. Coombe, 59 F. App'x 392, 393 (2d Cir. 2003)
- Pino v. Ryan, 49 F.3d 51, 54 (2d Cir. 1995)
- Abbas v. Dixon, 480 F.3d 636, 642 (2d Cir. 2007)
- Harmon v. Patrolman's Benev. Ass'n of City of New York, 199 F. App'x 46, 48 (2d Cir. 2006)
- Moses v. Westchester Cnty. Dep't of Corr., 739 F. App'x 66, 68 (2d Cir. 2018)
- Qui Yun Li v. Holder, 352 F. App'x 574, 575-76 (2d Cir. 2009)
- Johnson v. Univ. of Rochester Med. Ctr., 642 F.3d 121, 124-25 (2d Cir. 2011)
- Coppedge v. United States, 369 U.S. 438, 444-45 (1962)