

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Jalen Holmes v. Mastraccio and Ciano

Holmes · No. 9:24-CV-1005 (LEK/DJS) · Decided March 13, 2026

SUMMARY

The United States District Court for the Northern District of New York adopts a magistrate judge’s Report and Recommendation concerning Plaintiff Jalen Holmes’s constitutional claims against Defendants Mastraccio and Ciano. The court dismisses the Eighth Amendment sexual assault claim, the Eighth Amendment excessive force claim arising from the May 1, 2024 incident, and the Fourteenth Amendment due process claim against Ciano. The defendants’ motion is granted in part and denied in part, and their summary judgment motion is denied with leave to refile.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Lawrence E. Kahn
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	March 13, 2026
DOCKET	9:24-CV-1005 (LEK/DJS)
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Order and Report-Recommendation concerning defendants' motion to dismiss and motion for partial summary judgment, in the absence of objections, for clear error.
STANDARD OF REVIEW	Clear-error review of the portions of the magistrate judge's report and recommendation to which no timely objections were made.
PRECEDENTIAL VALUE	Unknown; memorandum-decision and order from a federal district court.

TOPICS

- civil procedure
- motions to dismiss
- summary judgment
- prisoners rights
- due process

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should review the unobjected-to Report and Recommendation for clear error.
2. Whether the district court should adopt the magistrate judge's recommendations to dismiss the Eighth Amendment sexual-assault claim, the Eighth Amendment excessive-force claim concerning the May 1, 2024 incident, and the Fourteenth Amendment due-process claim against Ciancio.
3. Whether defendants' motion for partial summary judgment based on failure to exhaust administrative remedies should be denied with leave to refile.

HOLDINGS

1. When no timely objections are filed, the district court reviews the Report and Recommendation for clear error and may adopt it if no clear error appears on the face of the record.
2. The Eighth Amendment sexual-assault claim, the Eighth Amendment excessive-force claim concerning the May 1, 2024 incident, and the Fourteenth Amendment due-process claim against Ciancio are dismissed.
3. Defendants' motion for partial summary judgment based on failure to exhaust administrative remedies is denied, with leave to refile.

KEY QUOTATIONS

“No party objected to the Report and Recommendation within fourteen days after being served with a copy of it. See generally Dkt. Accordingly, the Court reviews the Report and Recommendation for clear error.” (IV)

“Accordingly, it is hereby: ORDERED, that the Report and Recommendation, Dkt. No. 51, is APPROVED and ADOPTED in its entirety” (V)

FACTUAL BACKGROUND

Plaintiff Jalen Holmes alleged that defendants violated his constitutional rights in connection with incidents occurring while he was incarcerated, including alleged sexual assault and excessive force. The action also included First Amendment retaliation and Fourteenth Amendment due-process claims. The district court's opinion relies on the factual and procedural background set out in the magistrate judge's Report and Recommendation.

PROCEDURAL HISTORY

Plaintiff commenced a prisoner civil-rights action under 42 U.S.C. § 1983 and was granted in forma pauperis status. The district court previously dismissed official-capacity claims but allowed Eighth Amendment excessive-force claims, First Amendment retaliation claims, and Fourteenth Amendment due-process claims to proceed. Defendants later moved to dismiss for failure to state a claim and moved for partial summary judgment for failure to exhaust administrative remedies. Magistrate Judge Daniel J. Stewart recommended partial

dismissal, denial of the summary-judgment motion with leave to refile, and denial of plaintiff's motion to appoint counsel. No objections were filed, and the district court adopted the recommendation in its entirety.

DISPOSITION

other

CASES CITED

- A.V. by Versace, Inc. v. Gianni Versace, S.p.A., 191 F. Supp. 2d 404, 405 (S.D.N.Y. 2002)
- A.V. by Versace, 191 F. Supp. 2d at 406
- Nambiar v. Cent. Orthopedic Grp., LLP, No. 24-1103, 2025 WL 3007285, at *3 (2d Cir. Oct. 28, 2025)
- Nutt v. New York, No. 12-CV-385, 2012 WL 4006408, at *1 (N.D.N.Y. Sept. 12, 2012)
- DiPilato v. 7-Eleven, Inc., 662 F. Supp. 2d 333, 339 (S.D.N.Y. 2009)
- N.Y.C. Dist. Councils. of Carpenters Pension Fund v. Forde, 341 F. Supp. 3d 334, 336 (S.D.N.Y. 2018)
- Molefe v. KLM Royal Dutch Airlines, 602 F. Supp. 2d 485, 487 (S.D.N.Y. 2009)