

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Darrell Henri v. Federal Bureau of Investigation

Henri · No. 25-CV-1487 (EK)(SDE) · Decided December 19, 2025

SUMMARY

The Eastern District of New York dismissed without prejudice a pro se Bivens action against the Federal Bureau of Investigation. The court held that the FBI was protected by sovereign immunity and that a Bivens action may not be brought against a federal agency. The plaintiff was granted thirty days to amend the complaint, subject to dismissal with prejudice if he failed to cure the identified deficiencies.

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 19, 2025
DOCKET	25-CV-1487 (EK)(SDE)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff brought a Bivens action against the Federal Bureau of Investigation and sought leave to proceed in forma pauperis. The district court screened the complaint under 28 U.S.C. § 1915(e)(2)(B) and dismissed it without prejudice for lack of subject-matter jurisdiction, while granting leave to amend.
STANDARD OF REVIEW	On screening an in forma pauperis complaint under 28 U.S.C. § 1915(e)(2)(B), the court accepts well-pleaded, nonconclusory factual allegations as true, disregards legal conclusions, liberally construes a pro se complaint, and determines whether the pleading states a plausible claim for relief.
PRECEDENTIAL VALUE	District court memorandum and order; precedential status not stated and citation is unreported.
PARTIES	Darrell Henri v. Federal Bureau of Investigation

TOPICS

subject matter jurisdiction

sovereign immunity

pleadings

civil procedure

civil rights

PRACTICE AREAS

civil procedure

civil rights

constitutional law

sovereign immunity

remedies

QUESTIONS PRESENTED

1. Whether claims against the Federal Bureau of Investigation are barred by sovereign immunity absent an applicable waiver.
2. Whether a Bivens action may be maintained directly against a federal agency.
3. Whether the complaint stated a viable private claim under 18 U.S.C. § 241 or otherwise stated a plausible Bivens claim.

HOLDINGS

1. Claims against the FBI, as a United States government agency, are barred by sovereign immunity because the United States has not waived immunity for the claims alleged, depriving the court of subject-matter jurisdiction.
2. A Bivens action may be brought only against a federal government official, not against the United States or a federal agency; therefore, the action against the FBI was not a proper Bivens claim.
3. The complaint did not state a viable private claim under 18 U.S.C. § 241 because criminal statutes are enforced by the federal government rather than through private complaints, and Bivens claims have been recognized only for constitutional violations.

KEY QUOTATIONS

“A claim is plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.””

“Plaintiff’s claims against the FBI, a United States government agency, are barred because, absent a waiver of sovereign immunity, federal courts lack subject-matter jurisdiction over claims against the United States or its agencies.”

“In addition, “a Bivens action will only lie against a federal government official. Bivens actions against the United States are routinely dismissed.””

FACTUAL BACKGROUND

Henri alleged that on July 12, 2023, he lost his apartment because the FBI was attempting to set him up for a crime he did not commit. He also alleged that he was tortured and requested that the court uphold justice. The only defendant named was the Federal Bureau of Investigation, and the complaint invoked Bivens and 18 U.S.C. § 241.

PROCEDURAL HISTORY

Henri alleged that the FBI caused him to lose his apartment, attempted to frame him for a crime, and tortured him. The court granted in forma pauperis status solely for purposes of the order, screened the complaint, and dismissed it because claims against the FBI were barred by sovereign immunity and because Bivens claims may not be brought against a federal agency. The court granted thirty days to file an amended complaint and warned that failure to cure the deficiencies would result in dismissal with prejudice.

DISPOSITION

dismissed

CASES CITED

- Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)
- Matson v. Bd. of Educ., 631 F.3d 57, 63 (2d Cir. 2011)
- Kiobel v. Royal Dutch Petroleum Co., 621 F.3d 111, 124 (2d Cir. 2010)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Sealed Plaintiff v. Sealed Defendant #1, 537 F.3d 185, 191-93 (2d Cir. 2008)
- Traguth v. Zuck, 710 F.2d 90, 95 (2d Cir. 1983)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Fed. Deposit Ins. Corp. v. Meyer, 510 U.S. 471, 475 (1994)
- Robinson v. Overseas Mil. Sales Corp., 21 F.3d 502, 510 (2d Cir. 1994)
- Makarova v. United States, 201 F.3d 110, 113 (2d Cir. 2000)
- Selby v. United States, No. 24-CV-8761, 2025 WL 552609, at *2 (E.D.N.Y. Feb. 19, 2025)
- Mack v. United States, 814 F.2d 120, 122-23 (2d Cir. 1987)
- Goldey v. Fields, 606 U.S. 942, 944 (2025)
- Chin v. Bowen, 833 F.2d 21, 24 (2d Cir. 1987)
- Conn. Action Now, Inc. v. Roberts Plating Co., 457 F.2d 81, 86-87 (2d Cir. 1972)
- Coppedge v. United States, 369 U.S. 438, 444-45 (1962)