

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Nicholas Oudekerk v. Maille, et al.

No. 5:25-CV-0919 (GTS/PJE) · No. 5:25-CV-0919 (GTS/PJE) · Decided February 2, 2026

SUMMARY

This Report-Recommendation and Order addresses Nicholas Oudekerk’s pro se complaint under 42 U.S.C. § 1983 against sheriff’s department personnel concerning his alleged warrantless arrest, the failure to investigate potentially exculpatory evidence, and the handling of his assault complaint. The magistrate judge discusses pleading requirements under Federal Rule of Civil Procedure 8, Fourth Amendment seizure and probable-cause principles, the potential application of Heck v. Humphrey, and Fourteenth Amendment due process and equal protection theories. The excerpt recommends dismissal of several claims, including dismissal without prejudice of claims that might be curable by amendment and dismissal with prejudice of the claimed freestanding right to a police investigation.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Paul J. Evangelista, U.S. Magistrate Judge
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	February 2, 2026
DOCKET	5:25-CV-0919 (GTS/PJE)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se 42 U.S.C. § 1983 complaint and an application to proceed in forma pauperis. The matter was referred to a magistrate judge for screening under 28 U.S.C. §§ 1915 and 1915A and for a Report-Recommendation and Order.
STANDARD OF REVIEW	The court screened the complaint under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A, liberally construed the pro se pleading, and assessed whether it stated a plausible claim under Federal Rules of Civil Procedure 8 and 10. The court also considered whether claims might be barred by Heck v. Humphrey.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Nicholas Oudekerk v. Maille, Ortiz

TOPICS

section 1983 fourth amendment equal protection due process pleadings

PRACTICE AREAS

Civil rights Constitutional law Federal civil procedure Criminal procedure

QUESTIONS PRESENTED

1. Whether the complaint satisfied Federal Rule of Civil Procedure 8's requirement of a short and plain statement giving defendants fair notice of the claims.
2. Whether plaintiff adequately pleaded a Fourth Amendment unlawful-seizure claim based on his alleged warrantless arrest.
3. Whether plaintiff's allegations that officers failed to investigate or obtain exculpatory evidence stated a Fourth Amendment claim or were potentially barred by *Heck v. Humphrey*.
4. Whether plaintiff had a standalone Fourteenth Amendment due-process right to require police to investigate his assault complaint.
5. Whether plaintiff adequately pleaded a Fourteenth Amendment equal-protection selective-prosecution claim based on officers arresting him but not McIntosh.

HOLDINGS

1. The complaint failed to provide a short and plain statement of the claims because it omitted material details concerning the arrest, the officers' conduct, the alleged exculpatory evidence, and the circumstances of the alleged failure to investigate.
2. The complaint did not adequately plead an unlawful-seizure claim because it lacked sufficient factual detail about the arrest and did not establish whether any related conviction existed or had been favorably terminated.
3. Plaintiff's allegations that the officers failed to investigate his innocence and obtain potentially exculpatory evidence were properly analyzed under the Fourth Amendment rather than as a substantive-due-process claim, but the complaint did not adequately plead the claim and it might be barred by *Heck*.
4. A crime victim has no standalone constitutional right to have police investigate an assault complaint; plaintiff's related Fourteenth Amendment due-process claim therefore failed to state a claim and should be dismissed with prejudice and without leave to amend.
5. Plaintiff's selective-prosecution equal-protection claim was inadequately pleaded and could be barred by *Heck* if he was convicted in connection with the incident; the claim should therefore be dismissed without prejudice and with leave to amend.

KEY QUOTATIONS

"crime victims do not have a stand-alone constitutional right to have officers investigate their complaints."
(at 14-15)

“an officer’s failure to investigate an arrestee’s protestations of innocence generally does not vitiate probable cause” (at 12)

“A civil lawsuit may not be used to collaterally attack an existing criminal conviction.” (at 10)

“the court has the power, on its own initiative . . . to dismiss the complaint” (at 5)

FACTUAL BACKGROUND

Plaintiff alleged that Maille and Ortiz arrested him without a warrant after a person identified as McIntosh accused him of an aggravated family offense. Plaintiff disputed the accusation and asserted that prison records, surveillance footage, and other evidence would have shown that McIntosh's account was false or inconsistent with the timing of the alleged injuries. Plaintiff also alleged that McIntosh bit and injured him, but that Maille photographed his injuries without allowing him to submit a statement or arresting McIntosh.

PROCEDURAL HISTORY

Plaintiff commenced the action on July 14, 2025, alleging that Sheriff Department investigators Maille and Ortiz unlawfully arrested him, failed to investigate potentially exculpatory evidence, and treated him differently from the alleged assault complainant. The magistrate judge granted plaintiff's application to proceed in forma pauperis, recommended dismissal with prejudice of the standalone due-process claim based on failure to investigate an assault complaint, and recommended dismissal without prejudice and with leave to amend of the Fourth Amendment and selective-prosecution equal-protection claims. The recommendation was subject to review and adoption by the district judge.

DISPOSITION

other

CASES CITED

- *Praileau v. Fischer*, 930 F. Supp. 2d 383, 394 (N.D.N.Y. 2013)
- *Kirkland v. Cablevision Sys.*, 760 F.3d 223, 224 (2d Cir. 2014) (per curiam)
- *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 477 (2d Cir. 2006)
- *Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 191 (2d Cir. 2008)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-56, 570 (2007)
- *Kastner v. Tri State Eye*, No. 19-CV-10668 (CM), 2019 WL 6841952, at *2 (S.D.N.Y. Dec. 13, 2019)
- *Ruotolo v. IRS*, 28 F.3d 6, 8 (2d Cir. 1994)
- *Flores v. Graphex*, 189 F.R.D. 54, 55 (N.D.N.Y. 1999)
- *Gonzales v. Wing*, 167 F.R.D. 352, 355 (N.D.N.Y. 1996)
- *Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2d Cir. 1988)
- *Sira v. Morton*, 380 F.3d 57, 67 (2d Cir. 2004)

- *Clarke v. County of Broome*, No. 1:10-CV-399 (MAD/ATB), 2012 WL 1005086, at *6 (N.D.N.Y. Mar. 23, 2012)
- *Cerrone v. Brown*, 246 F.3d 194, 199 (2d Cir. 2001)
- *County of Sacramento v. Lewis*, 523 U.S. 833, 844, 849 n. 9 (1998)
- *California v. Hodari D.*, 499 U.S. 621, 626 & n. 2 (1991)
- *Britton v. Maloney*, 196 F.3d 24, 30 (1st Cir. 1999)
- *Saenz v. Lucas*, No. 07 CIV. 10534 (WCC), 2008 WL 2735867, at *3 (S.D.N.Y. July 9, 2008)
- *United States v. Glover*, 957 F.2d 1004, 1008 (2d Cir. 1992)
- *Gardiner v. Inc. Village of Endicott*, 50 F.3d 151, 155 (2d Cir. 1995)
- *Heck v. Humphrey*, 512 U.S. 477, 484-87, 490 (1994)
- *Barzee v. Tyler*, No. 8:21-CV-902 (GTS/CFH), 2022 WL 1406606, at *7, *9, *10 (N.D.N.Y. May 3, 2022)
- *Stegemann v. Rensselaer Cnty. Sheriff's Office*, 648 F. App'x 73, 76 (2d Cir. 2016)
- *Young v. Monroe Cnty.*, 750 F. Supp. 3d 73, 79 (W.D.N.Y. 2024)
- *Thompson v. Clark*, 596 U.S. 36 (2022)
- *Russo v. City of Bridgeport*, 479 F.3d 196, 212 (2d Cir. 2007)
- *Callahan v. City of New York*, 90 F. Supp. 3d 60, 68 (E.D.N.Y. 2015)
- *Codrington v. City of New York*, No. 12-CV-01650 (SLT/SMG), 2015 WL 893567, at *4 (E.D.N.Y. Mar. 2, 2015)
- *Panetta v. Crowley*, 460 F.3d 388, 396, 398 (2d Cir. 2006)
- *Wagner v. Hyra*, 518 F. Supp. 3d 613, 626 (N.D.N.Y. 2021)
- *Curley v. Village of Suffern*, 268 F.3d 65, 70 (2d Cir. 2001)
- *Celestin v. City of New York*, 581 F. Supp. 2d 420, 432 (E.D.N.Y. 2008)
- *Lowth v. Town of Cheektowaga*, 82 F.3d 563, 571 (2d Cir. 1996)
- *Green v. Bauvi*, 46 F.3d 189, 194 (2d Cir. 1995)
- *Price v. City of New York*, No. 15 CIV. 5871 (KPF), 2018 WL 3117507, at *21 (S.D.N.Y. June 25, 2018)
- *Troy v. City of New York*, No. 13-CV-5082 (AJN), 2014 WL 4804479, at *6 (S.D.N.Y. Sept. 25, 2014), *aff'd*, 614 F. App'x 32 (2d Cir. 2015)
- *Lewis v. Gallivan*, 315 F. Supp. 2d 313, 316 (W.D.N.Y. 2004)
- *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432, 439 (1985)
- *AYDM Assocs., LLC v. Town of Pamela*, 205 F. Supp. 3d 252, 265, 268 (N.D.N.Y. 2016)
- *Harlen Assocs. v. Incorporated Village of Mineola*, 273 F.3d 494, 499 (2d Cir. 2001)
- *Bill & Ted's Riviera, Inc. v. Cuomo*, 494 F. Supp. 3d 238, 246 (N.D.N.Y. 2020)
- *Hu v. City of New York*, *Hu v. City of New York*, 927 F.3d 81, 92-93 (2d Cir. 2019)
- *Neilson v. D'Angelis*, 409 F.3d 100, 105 (2d Cir. 2005)
- *Appel v. Spiridon*, 531 F.3d 138 (2d Cir. 2008)
- *Cobb v. Pozzi*, 363 F.3d 89, 110 (2d Cir. 2004)
- *White v. City of New York*, 206 F. Supp. 3d 920, 930 (S.D.N.Y. 2016)

- *Bizzarro v. Miranda*, 394 F.3d 82, 86 (2d Cir. 2005)
- *Corley v. Vance*, 365 F. Supp. 3d 407, 457 (S.D.N.Y. 2019), *aff'd sub nom. Corley v. Wittner*, 811 F. App'x 62 (2d Cir. 2020)
- *Ruotolo v. Town of New Paltz*, No. 1:22-CV-0169 (LEK/DJS), 2023 WL 2500655, at *18 (N.D.N.Y. Mar. 14, 2023)
- *Romano v. Lisson*, 711 F. App'x 17, 19 (2d Cir. 2017)
- *Nielsen v. Rabin*, 746 F.3d 58, 62 (2d Cir. 2014)
- *Edwards v. Penix*, 388 F. Supp. 3d 135, 144-45 (N.D.N.Y. 2019)
- *Roldan v. Racette*, 984 F.2d 85, 89 (2d Cir. 1993)
- *Small v. Secretary of Health and Human Services*, 892 F.2d 15 (2d Cir. 1989)

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