

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

In re Rikers West Facility Coordinated Cases

Rikers West Facility Coordinated Cases · No. 25 Civ. 4515 (AT) (BCM); 25 Civ. 4521 (AT) (BCM); 25 Civ. 4527 (AT) (BCM); 25 Civ. 4529 (AT) (BCM); 25 Civ. 4530 (AT) (BCM); 25 Civ. 4535 (AT) (BCM); 25 Civ. 4537 (AT) (BCM); 25 Civ. 4538 (AT) (BCM); 25 Civ. 4540 (AT) (BCM); 25 Civ. 4723 (AT) (BCM); 25 Civ. 4732 (AT) (BCM); 25 Civ. 4735 (AT) (BCM); 25 Civ. 4736 (AT) (BCM); 25 Civ. 5168 (AT) (BCM); 25 Civ. 5997 (AT) (BCM); 25 Civ. 7962 (AT) (BCM) · Decided November 26, 2025

SUMMARY

The Southern District of New York construed pro se plaintiff Mark Russell’s submissions liberally and treated his motion to amend, declarations, and related filings as opposition to the City of New York’s motion to dismiss in coordinated cases. The court granted the relevant motions, extended the City’s deadline to respond to Russell’s temporary restraining order motion, and set a deadline for Russell’s reply. The court also directed the Clerk to mail the order to pro se plaintiffs and terminate specified motions.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Analisa Torres
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	November 26, 2025
DOCKET	25 Civ. 4515 (AT) (BCM); 25 Civ. 4521 (AT) (BCM); 25 Civ. 4527 (AT) (BCM); 25 Civ. 4529 (AT) (BCM); 25 Civ. 4530 (AT) (BCM); 25 Civ. 4535 (AT) (BCM); 25 Civ. 4537 (AT) (BCM); 25 Civ. 4538 (AT) (BCM); 25 Civ. 4540 (AT) (BCM); 25 Civ. 4723 (AT) (BCM); 25 Civ. 4732 (AT) (BCM); 25 Civ. 4735 (AT) (BCM); 25 Civ. 4736 (AT) (BCM); 25 Civ. 5168 (AT) (BCM); 25 Civ. 5997 (AT) (BCM); 25 Civ. 7962 (AT) (BCM)
DISPOSITION	other
PROCEDURAL POSTURE	Order addressing the construction of a pro se plaintiff's motion for leave to amend as opposition to a pending motion to dismiss and granting the defendant an extension to respond to a motion for a temporary restraining order.
PRECEDENTIAL VALUE	unknown

TOPICS

motion to amend

motions to dismiss

injunctions

pleadings

civil procedure

PRACTICE AREAS

civil procedure

constitutional law

civil rights

QUESTIONS PRESENTED

1. Whether Russell's pro se motion for leave to amend and related submissions should be liberally construed as opposition to the City's motion to dismiss.
2. Whether the City should receive an extension of time to respond to Russell's motion for a temporary restraining order.
3. Whether any claim concerning violations of remedial orders or a consent judgment in Nunez should be presented to the judge presiding over that action.

HOLDINGS

1. A pro se litigant's submissions must be construed liberally and interpreted to raise the strongest arguments they suggest; accordingly, Russell's motion for leave to amend and related submissions were construed as opposition to the City's motion to dismiss.
2. The City of New York was granted an extension to respond to Russell's motion for a temporary restraining order, with its response due December 10, 2025, and Russell's reply, if any, due December 24, 2025.

KEY QUOTATIONS

“submissions . . . must be construed liberally and interpreted to raise the strongest arguments that they suggest.” (at 1)

FACTUAL BACKGROUND

Pro se plaintiff Mark Russell submitted a motion titled as a motion for leave to file an amended complaint, together with a proposed amended complaint, declarations, and a later letter. The submissions added facts and alleged constitutional violations, and Russell clarified that they related to all plaintiffs named or to be named in the coordinated cases. The City of New York had already moved to dismiss, arguing that the plaintiffs could not demonstrate constitutional violations.

PROCEDURAL HISTORY

The City of New York moved to dismiss the coordinated cases. Pro se plaintiff Mark Russell subsequently filed a motion for leave to amend, related declarations, and a letter clarifying that his submissions concerned all plaintiffs and were intended as amendments and ongoing submissions. The court liberally construed those filings as opposition papers to the City's motion to dismiss in all coordinated cases, granted the motions at ECF Nos. 27 and 32, and extended the City's deadline to respond to Russell's temporary-restraining-order motion.

DISPOSITION

other

CASES CITED

- *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474 (2d Cir. 2006)
- *Nunez et al. v. New York City Dep't of Corr. et al.*, No. 11 Civ. 5845
- *Woods v. Goord*, No. 01 Civ. 3255, 2002 WL 731691, at *7 n.13 (S.D.N.Y. Apr. 23, 2002)

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