

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Mark W. Benjamin v. Jacob A. Wetzel and Daniel Ossa

Benjamin v. Wetzel and Ossa, No. 6:25-cv-00302 (AMN/PJE) (N.D.N.Y. Feb. 17, 2026) · No. 6:25-cv-00302 (AMN/PJE) · Decided February 17, 2026

SUMMARY

The United States District Court for the Northern District of New York reviewed Mark W. Benjamin’s amended pro se complaint concerning his arrest after a traffic stop. The court held that his false-arrest claims under 42 U.S.C. § 1983 and New York law survived initial review under 28 U.S.C. § 1915(e), while denying as moot his amended in forma pauperis request and denying his request for appointed counsel.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Anne M. Nardacci
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	February 17, 2026
DOCKET	6:25-cv-00302 (AMN/PJE)
DISPOSITION	other
PROCEDURAL POSTURE	The district court conducted initial review of a pro se amended complaint filed in forma pauperis under 28 U.S.C. § 1915(e).
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. The court applies the plausibility pleading standard and construes pro se submissions liberally.
PRECEDENTIAL VALUE	Unknown; unpublished district court memorandum-decision and order

TOPICS

- section 1983
- police misconduct
- civil rights
- pleadings
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly stated false-arrest claims under 42 U.S.C. § 1983 and New York law sufficient to survive initial review under 28 U.S.C. § 1915(e).
2. Whether Plaintiff's amended in forma pauperis request should be denied as moot.
3. Whether Plaintiff's amended request for appointment of counsel should be granted.

HOLDINGS

1. Liberally construed, the amended complaint sufficiently stated false-arrest claims against Defendants under 42 U.S.C. § 1983 and New York law, and the claims survived initial review and required a response.
2. The amended request to proceed in forma pauperis and related correspondence were denied as moot because Plaintiff was already proceeding in forma pauperis.
3. The amended request for appointment of counsel was denied because it was too early to determine whether Plaintiff's claims were likely to be of substance, and the additional circumstances identified did not change the prior analysis.

KEY QUOTATIONS

“At this early stage, Plaintiff’s false arrest claims against Defendants under Section 1983 and New York law, liberally construed, survive initial review and are sufficient to require a response.” (Section III.A)

“In so ruling, the Court expresses no opinion as to whether these claims can withstand a properly filed dispositive motion.” (Section III.A)

FACTUAL BACKGROUND

Plaintiff alleged that New York State Troopers Jacob A. Wetzel and Daniel Ossa conducted a traffic stop on October 12, 2024, administered field sobriety tests, and arrested him. He alleged that the arrest was improper and that all charges, including traffic violations, were dismissed in Oneonta Municipal Court on December 11, 2024. He asserted false-arrest claims under the Fourth Amendment through 42 U.S.C. § 1983 and under New York law.

PROCEDURAL HISTORY

Plaintiff commenced the action on March 7, 2025, and was granted leave to proceed in forma pauperis. A magistrate judge recommended dismissal of the original complaint with leave to amend, but Plaintiff filed an amended complaint instead of objections. The district court reviewed the amended complaint, found the false-arrest claims sufficient to survive initial review, denied the renewed in forma pauperis request as moot, denied the request for appointed counsel, and directed service and a response.

DISPOSITION

CASES CITED

- Caldwell v. Barriere, 844 F. App'x 461, 461 (2d Cir. 2021)
- Hardaway v. Hartford Pub. Works Dep't, 879 F.3d 486, 489 (2d Cir. 2018)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Murray v. New York, No. 24-cv-08015, 2024 WL 5009955, at *1 (S.D.N.Y. Dec. 6, 2024)
- Ruhrgas AG v. Marathon Oil Co., 526 U.S. 574, 583 (1999)
- Govan v. Campbell, 289 F. Supp. 2d 289, 295 (N.D.N.Y. 2003)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Terry v. Inc. Vill. of Patchogue, 826 F.3d 631, 633 (2d Cir. 2016)
- Cuoco v. Moritsugu, 222 F.3d 99, 112 (2d Cir. 2000)
- Traguth v. Zuck, 710 F.2d 90, 95 (2d Cir. 1983)
- Alexander v. City of Syracuse, 132 F.4th 129, 156 (2d Cir. 2025)
- Kee v. City of New York, 12 F.4th 150, 158 (2d Cir. 2021)
- Carruthers v. Colton, 153 F.4th 169, 179 (2d Cir. 2025)
- Aponte v. Perez, 75 F.4th 49, 59-60 (2d Cir. 2023)
- Triolo v. Nassau Cnty., 24 F.4th 98, 106 (2d Cir. 2022)
- Leftridge v. Conn. State Trooper Officer No. 1283, 640 F.3d 62, 68 (2d Cir. 2011)
- Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK MARK W. BENJAMIN, Plaintiff, v. 6:25-cv-00302 (AMN/PJE) JACOB A. WETZEL and DANIEL OSSA, Defendants. APPEARANCES: OF COUNSEL: MARK W. BENJAMIN 128 Morningside Drive Oneonta, New York 13820 Plaintiff pro se Hon. Anne M. Nardacci, United States District Judge: MEMORANDUM-DECISION AND ORDER I. INTRODUCTION On March 7, 2025, plaintiff pro se Mark W. Benjamin ("Plaintiff") commenced this action against defendant New York State Troopers Jacob A. Wetzels and Daniel Ossa (together, "Defendants") in connection with a traffic stop conducted by Defendants that resulted in Plaintiff's arrest.

Dkt. No. 1 ("Complaint"). Plaintiff sought and received leave to proceed in forma pauperis. Dkt. No. 7 at 2.1 This matter was referred to United States Magistrate Judge Paul J. Evangelista, who reviewed the Complaint pursuant to 28 U.S.C. § 1915(e) and, on December 8, 2025, recommended 1 Citations to docket entries utilize the pagination generated by CM/ECF, the Court's electronic

filing system, and not the documents' internal pagination. that the Complaint be dismissed with leave to amend.

Id. ("Report-Recommendation"). Magistrate Judge Evangelista advised that pursuant to 28 U.S.C. § 636(b)(1), the parties had fourteen days within which to file written objections and that failure to object to the Report- Recommendation within fourteen days would preclude appellate review. Id. at 10. Instead of filing objections, Plaintiff filed an amended complaint on December 17, 2025.

Dkt. No. 9 ("Amended Complaint"). The Court reviews the sufficiency of the allegations in Plaintiff's Amended Complaint pursuant to 28 U.S.C. § 1915(e).² Following that review, and for the reasons discussed below, the Court finds that the Amended Complaint's false arrest allegations, liberally construed, are sufficient to require a response from Defendants.

II. STANDARD OF REVIEW Pursuant to 28 U.S.C. § 1915(e), "a district court must dismiss a complaint filed in forma pauperis if it determines that the action '(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.'" *Caldwell v. Barriere*, 844 F. App'x 461, 461 (2d Cir.

2021) (quoting 28 U.S.C. § 1915(e)(2)(B)). To avoid sua sponte dismissal, "a complaint must plead 'enough facts to state a claim to relief that is plausible on its face.'" *Hardaway v. Hartford Pub. Works Dep't*, 879 F.3d 486, 489 (2d Cir. 2018) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). "Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citation omitted). "The Court must also dismiss an action sua sponte where it lacks subject matter jurisdiction." *Murray v. New York*, 2 The Court does not review the Report-Recommendation assessing the sufficiency of the allegations in the Complaint, given the subsequent filing of an Amended Complaint.

Dkt. No. 9. No. 24-cv-08015, 2024 WL 5009955, at *1 (S.D.N.Y. Dec. 6, 2024) (first citing Fed. R. Civ. P. 12(h)(3); and then citing *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583 (1999)). "[I]n a pro se case, the court must view the submissions by a more lenient standard than that accorded to 'formal pleadings drafted by lawyers.'" *Govan v. Campbell*, 289 F. Supp. 2d 289, 295 (N.D.N.Y.

2003) (quoting *Haines v. Kerner*, 404 U.S. 519, 520 (1972)) (additional citations omitted). "Although district judges should, as a general matter, liberally permit pro se litigants to amend their pleadings, leave to amend need not be granted when amendment would be futile." *Terry v. Inc. Vill. of Patchogue*, 826 F.3d 631, 633 (2d Cir. 2016) (quoting *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir.

2000)). Moreover, a plaintiff's pro se status does not exempt a plaintiff from compliance with relevant rules of procedural and substantive law. See *Traguth v. Zuck*, 710 F.2d 90, 95 (2d Cir.

1983). III. DISCUSSION A. Amended Complaint Liberally construed, Plaintiff's amended allegations sufficiently detail the factual circumstances under which Defendants arrested him following a traffic stop on October 12, 2024.

See generally Dkt. No. 9 at 4-5. Plaintiff also details various alleged actions taken by each Defendant, including the administration of several field sobriety tests. *Id.* at 4. In sum, Plaintiff alleges Defendants arrested him improperly and that all charges against him, including traffic violations, were dismissed in Oneonta Municipal Court on December 11, 2024.

Id. at 5. Plaintiff styles his claims as "4th amendment, false arrest," and appears to suggest that they arise under both federal and state law. *Id.* at 3; see also Dkt. No. 7 at 4 (noting that it is unclear whether the initial complaint sought to proceed under state or federal law). "A § 1983 claim for false arrest, resting on the Fourth Amendment right of an individual to be free from unreasonable seizures[,] is substantially the same as a claim for false arrest under New York law." *Alexander v. City of Syracuse*, 132 F.4th 129, 156 (2d Cir.

2025) (alteration in original) (quoting *Kee v. City of New York*, 12 F.4th 150, 158 (2d Cir. 2021)). "To establish a false arrest claim under New York law, a plaintiff must adequately allege '(1) the defendant intended to confine the plaintiff, (2) the plaintiff was conscious of the confinement, (3) the plaintiff did not consent to the confinement and (4) the confinement was not otherwise privileged.'" *Carruthers v. Colton*, 153 F.4th 169, 179 (2d Cir.

2025) (quoting *Aponte v. Perez*, 75 F.4th 49, 59-60 (2d Cir. 2023)). "Under both federal and New York state law, probable cause is a complete defense to a false arrest claim." *Id.* (quoting *Triolo v. Nassau Cnty.*, 24 F.4th 98, 106 (2d Cir. 2022)). At this early stage, Plaintiff's false arrest claims against Defendants under Section 1983 and New York law, liberally construed, survive initial review and are sufficient to require a response.

In so ruling, the Court expresses no opinion as to whether these claims can withstand a properly filed dispositive motion. B. Plaintiff's Motions In addition to the Amended Complaint, Plaintiff has filed an amended request to proceed in forma pauperis ("IFP"), Dkt. No. 10, and an amended request for the appointment of counsel, Dkt. No. 11.

Because Plaintiff is already proceeding IFP, his amended request to do so is denied as moot.³ Plaintiff's additional correspondence regarding his "application to proceed [IFP,]" Dkt. No. 6 at 1, is similarly denied as moot. ³ As Magistrate Judge Evangelista noted, "Plaintiff is advised that [IFP] status does not excuse him from his financial responsibility for any costs or fees he may incur in this action." Dkt.

No. 7 at 2 n.1. Plaintiff's amended request for counsel is also denied. The stated grounds in Plaintiff's amended request simply rephrase those in his initial request. Compare Dkt. No. 11 at 1, with Dkt. No. 5 at 1. Magistrate Judge Evangelista considered and addressed these grounds. Dkt.

No. 7 at 7-9. That Plaintiff spoke with one additional attorney, seemingly briefly, does not change the analysis.

Dkt. No. 11 at 1, 3; see also *Leftridge v. Conn. State Trooper Officer No. 1283*, 640 F.3d 62, 68 (2d Cir. 2011) (“A party has no constitutionally guaranteed right to the assistance of counsel in a civil case.”) (citation omitted). Further, Plaintiff has indicated that two of the attorneys with whom he communicated declined to take his case after reviewing documentation of his arrest.

Dkt. No. 5 at 2. Thus, the Court agrees with Magistrate Judge Evangelista that it is too early to determine whether Plaintiff’s claims are likely to be of substance. Dkt. No. 7 at 9; see also *Hodge v. Police Officers*, 802 F.2d 58, 61-62 (2d Cir. 1986). IV. CONCLUSION Accordingly, the Court hereby ORDERS that Plaintiff’s Amended Complaint, Dkt. No. 9, is the operative complaint; and the Court further ORDERS that Plaintiff’s claims against Defendants for false arrest under Section 1983 and New York State law SURVIVE initial review and require a response; and the Court further ORDERS that Plaintiff’s requests related to his IFP application, Dkt.

Nos. 6, 10, are DENIED as moot; and the Court further ORDERS that Plaintiff’s amended request for the appointment of counsel, Dkt. No. 11, is DENIED; and the Court further ORDERS that the Clerk serve a copy of this Order on all parties in accordance with the Local Rules and close this case.⁴ IT IS SO ORDERED. Dated: February 17, 2026 Albany, New York ⁴ The Clerk shall also provide Plaintiff with copies of all unreported decisions cited herein.