

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Ali Cisse v. Amber J. Bliss and R. Pflueger

Cisse · No. 9:23-CV-697 (MAD/ML) · Decided February 9, 2026

SUMMARY

The United States District Court for the Northern District of New York adopted a magistrate judge's Report and Recommendation in this 42 U.S.C. § 1983 action. The court granted defendants' partial motion for summary judgment on the plaintiff's First Amendment free-exercise claims for failure to exhaust administrative remedies and granted judgment on the pleadings on the plaintiff's Eighth Amendment excessive-force claim, directing entry of judgment for defendants and closure of the case.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Mae A. D'Agostino
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	February 9, 2026
DOCKET	9:23-CV-697 (MAD/ML)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a 42 U.S.C. § 1983 action concerning alleged constitutional violations at correctional facilities. After answering, Defendants moved for partial summary judgment and judgment on the pleadings. The magistrate judge recommended granting both motions, and the district court reviewed the unobjected-to Report and Recommendation for clear error.
STANDARD OF REVIEW	The district court reviews an unobjected-to magistrate judge's Report and Recommendation for clear error. Summary judgment is proper when there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. A Rule 12(c) motion for judgment on the pleadings is governed by the same standard as a Rule 12(b)(6) motion.
PRECEDENTIAL VALUE	unpublished
PARTIES	Ali Cisse v. Amber J. Bliss, R. Pflueger

TOPICS

section 1983 prisoners rights free exercise clause summary judgment
motion for judgment on the pleadings

PRACTICE AREAS

civil rights litigation prisoner civil rights constitutional litigation federal civil procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's unobjected-to Report and Recommendation after reviewing it for clear error.
2. Whether Cisse's First Amendment free-exercise claims against Bliss were barred by his failure to exhaust available administrative remedies under the Prison Litigation Reform Act.
3. Whether Cisse adequately pleaded an Eighth Amendment excessive-force claim against Pflueger under the governing subjective and objective standards.

HOLDINGS

1. When a party does not make specific objections to a magistrate judge's Report and Recommendation, the district court reviews the recommendations for clear error and may adopt them if no clear error is found.
2. Bliss was entitled to summary judgment because Cisse failed to exhaust available administrative remedies for his prison-condition claims, and the record established no applicable exception making those remedies unavailable.
3. Pflueger was entitled to judgment on the pleadings because Cisse failed to allege facts showing that the use of force was malicious, sadistic, wanton, or contrary to contemporary standards of decency.

KEY QUOTATIONS

"Because Plaintiff has not objected to the Report and Recommendation, the Court reviews it for clear error."

"Accordingly, the Court finds no clear error with Magistrate Judge Lovric's determination that Defendant Bliss is entitled to judgment as a matter of law on Plaintiff's free exercise claims."

"However, because the complaint fails to allege facts establishing that the use of force violated 'contemporary standards of decency' or was otherwise malicious, sadistic, or wanton, the Court agrees that dismissal of this claim is proper."

FACTUAL BACKGROUND

Cisse alleged that Defendant Amber J. Bliss violated his First Amendment free-exercise rights during two pat-frisk incidents at Marcy Correctional Facility on March 21 and March 28, 2023. The record showed that Cisse filed and partially appealed a grievance concerning the March 21 incident but filed no grievance concerning the March 28 incident and did not complete the available review process. Cisse also alleged that Defendant R. Pflueger yelled at him, grabbed him, caused his head to hit a wall, and handcuffed him during a sick call at

Auburn Correctional Facility. The district court concluded that the allegations did not establish malicious, sadistic, wanton conduct or force contrary to contemporary standards of decency.

PROCEDURAL HISTORY

Cisse commenced the action pro se on June 12, 2023. Defendant Jason Miller was dismissed after Defendants filed their motions, leaving Amber J. Bliss and R. Pflueger as defendants. Defendants answered on July 31, 2025, and filed a motion for judgment on the pleadings and a partial motion for summary judgment. Magistrate Judge Miroslav Lovric recommended granting both motions; because Cisse filed no objections, the district court reviewed the recommendation for clear error, adopted it in full, entered judgment for Defendants, and closed the case.

DISPOSITION

other

CASES CITED

- Farid v. Bouey, 554 F. Supp. 2d 301, 307 (N.D.N.Y. 2008)
- O'Diah v. Mawhir, No. 9:08-CV-322, 2011 WL 933846, *1 (N.D.N.Y. Mar. 16, 2021)
- Chambers v. TRM Copy Ctrs. Corp., 43 F.3d 29, 36-37 (2d Cir. 1994)
- Celotex Corp. v. Catrett, 477 U.S. 317, 324 (1986)
- Hayden v. Paterson, 594 F.3d 150, 160 (2d Cir. 2010)
- Johnson v. Rowley, 569 F.3d 40, 43 (2d Cir. 2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 547 (2007)
- Davidson v. Flynn, 32 F.3d 27, 29 (2d Cir. 1994)
- L-7 Designs, Inc. v. Old Navy, LLC, 647 F.3d 419, 422 (2d Cir. 2011)
- Roberts v. Babkiewicz, 582 F.3d 418, 419 (2d Cir. 2009)
- Sira v. Morton, 380 F.3d 57, 67 (2d Cir. 2004)
- Lively v. WAFRA Inv. Advisory Grp., Inc., 6 F.4th 293, 305 (2d Cir. 2021)
- Govan v. Campbell, 289 F. Supp. 2d 289, 295 (N.D.N.Y. 2003)
- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Temple v. Hudson View Owners Corp., 222 F. Supp. 3d 318, 323 (S.D.N.Y. 2016)
- Rodriguez v. Weprin, 116 F.3d 62, 65 (2d Cir. 1997)
- Cobbs v. Lamare, No. 9:14-CV-96, 2015 WL 2452323, *2 (N.D.N.Y. May 21, 2015)
- Porter v. Nussle, 534 U.S. 516, 532 (2002)
- Animashaun v. Toohill, No. 9:21-CV-372, 2025 WL 843771, *3 (N.D.N.Y. Mar. 18, 2025)
- Jackson v. Jackson, No. 16-CV-8516, 2021 WL 981849, *4-5 (S.D.N.Y. Mar. 16, 2021)
- Ross v. Blake, 578 U.S. 632, 643-44 (2016)
- Clark v. Gardner, 256 F. Supp. 3d 154, 166 (N.D.N.Y. 2017)

- Blyden v. Mancusi, 186 F.3d 252, 262-63 (2d Cir. 1999)
- Whitley v. Albers, 475 U.S. 312, 320-21 (1986)
- Scott v. Coughlin, 344 F.3d 282, 291 (2d Cir. 2003)
- Wilkins v. Gaddy, 559 U.S. 34, 38 (2010)
- Hudson v. McMillian, 503 U.S. 1, 9 (1992)

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