

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

James Harnage v. Colleen Gallagher, et al.

No. 3:25-CV-1487 (SFR) (D. Conn. May 27, 2026) · No. 3:25-CV-1487 (SFR) · Decided May 27, 2026

SUMMARY

This Initial Review Order addresses James Harnage’s 43-count prisoner civil rights complaint against officials of the Connecticut Department of Correction. The court permits claims concerning allegedly excessive black-box restraints, related conditions of confinement, and ADA and Rehabilitation Act accommodations involving restraints and access to a typewriter to proceed against specified defendants. The court dismisses the remaining claims without prejudice, including claims severed for misjoinder under Federal Rule of Civil Procedure 21.

CASE DETAILS

COURT	United States District Court for the District of Connecticut
WRITING FOR THE COURT	Sarah F. Russell
JURISDICTION	United States District Court for the District of Connecticut
DECIDED	May 27, 2026
DOCKET	3:25-CV-1487 (SFR)
DISPOSITION	other
PROCEDURAL POSTURE	Initial review of a prisoner civil-rights complaint under 28 U.S.C. § 1915A. The court permitted certain Eighth Amendment, ADA, and Rehabilitation Act claims to proceed to service, severed and dismissed misjoined claims without prejudice, and dismissed other claims without prejudice with leave to amend.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must review a prisoner complaint and dismiss any portion that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. At this stage, the court assumed the truth of factual allegations, construed the pro se complaint liberally, and applied the plausibility standard under Twombly and Iqbal.
PRECEDENTIAL VALUE	unpublished district court initial review order; persuasive authority only
PARTIES	James Harnage v. Colleen Gallagher, Decateau, Thomas, Strauskas, Robledo, Griffin, Cage, Demartino, Daugherty, Haye, Grimaldi, other

TOPICS

section 1983 prisoners rights ada / disability reasonable accommodation civil procedure

PRACTICE AREAS

prisoner civil rights constitutional law civil procedure disability discrimination

QUESTIONS PRESENTED

1. Whether the complaint plausibly stated Eighth Amendment excessive-force claims based on the alleged use of excessively tight black-box restraints despite knowledge of Harnage's injuries.
2. Whether the complaint plausibly stated Eighth Amendment conditions-of-confinement claims based on officials' continued use of black-box restraints after being informed of the resulting risk of harm.
3. Whether claims arising from black-box restraints, related accommodations, and access to a typewriter were properly joined under Federal Rules of Civil Procedure 18 and 20, and whether unrelated claims should be severed under Rule 21.
4. Whether the Prison Litigation Reform Act's imminent-danger exception permitted Harnage to proceed in forma pauperis despite the PLRA three-strikes rule.
5. Whether the alleged use of black-box restraints stated a Fourth Amendment seizure claim.
6. Whether the complaint stated a class-of-one Equal Protection claim based on Harnage's allegedly different treatment from prisoners at other facilities.
7. Whether the complaint stated a First Amendment retaliation claim based on alleged restrictions on typewriter access and tablet-keyboard purchases following grievances and legal activity.
8. Whether the complaint stated access-to-courts claims based on restrictions on typewriter and tablet-keyboard access.
9. Whether the complaint stated ADA and Rehabilitation Act reasonable-accommodation claims based on black-box restraints and restrictions on access to a typewriter.
10. Whether the ADA and Rehabilitation Act claims could proceed against defendants in their individual capacities or against state officials in their official capacities.

HOLDINGS

1. A prisoner subject to the PLRA three-strikes rule may proceed in forma pauperis when the complaint plausibly alleges an imminent danger of serious physical injury that has a nexus to the claims asserted. Harnage could proceed because the complaint alleged that black-box restraints were causing progressive injury and extreme pain to his dominant hand.
2. Claims concerning black-box restraints, related conditions of confinement, retaliation for seeking redress for restraint-related harm, disability accommodations, and access to courts through those accommodations were sufficiently related to be joined. Claims concerning photographs, confidential

calls, cell lockouts, and personal rugs were unrelated and were severed and dismissed without prejudice under Rule 21.

3. The complaint plausibly stated Eighth Amendment excessive-force claims based on the alleged application of black-box restraints that aggravated Harnage's hand injury, caused extreme hyperextension and pain, and were allegedly imposed despite his protests and requests for less harmful restraints.
4. The complaint plausibly stated conditions-of-confinement claims because it alleged that black-box restraints posed a substantial risk of serious harm and that correctional officials knew of and disregarded that risk.
5. The Fourth Amendment claim based on use of black-box restraints was dismissed because, for a sentenced prisoner challenging deliberate use of force, the Eighth Amendment is the primary source of substantive protection.
6. The equal protection claim was dismissed because the complaint did not identify a sufficiently similar comparator at MacDougall and did not plausibly allege intentional differential treatment without a rational basis.
7. The retaliation claim was dismissed because the complaint did not plead nonconclusory facts supporting a causal connection between Harnage's grievances or legal activities and restrictions on typewriter or keyboard access.
8. The access-to-courts claims were dismissed because Harnage did not identify a nonfrivolous underlying legal claim or actual injury caused by restrictions on typewriter or tablet-keyboard access.
9. The complaint plausibly stated ADA and Rehabilitation Act claims based on the use of black-box restraints despite an approved restraint accommodation and on restrictions that allegedly made typewriter access ineffective. The claim concerning denial of a tablet keyboard was dismissed with leave to amend.
10. Individual-capacity ADA and Rehabilitation Act claims were dismissed, but official-capacity claims for damages under appropriate circumstances and prospective injunctive relief could proceed against the defendants associated with the surviving accommodation claims.

KEY QUOTATIONS

“The Second Circuit has recognized that the application of excessively tight handcuffs or restraints ‘in excess of what was necessary under the circumstances’ may rise to the level of a constitutional excessive force violation.” (III.C)

“The hallmark of a reasonable accommodation is effectiveness.” (III.I)

“All other claims are DISMISSED WITHOUT PREJUDICE” (IV(4))

FACTUAL BACKGROUND

Harnage, an incarcerated person with longstanding hand, wrist, back, and hip injuries, alleged that prison officials repeatedly placed him in a black-box restraint system that aggravated his hand injury and caused

extreme pain. He alleged that officials had approved a custody accommodation restricting use of the black-box restraints and permitting access to a typewriter, but failed to communicate or implement those accommodations effectively. He further alleged that officials required him to use shared typewriter access under restrictive conditions and denied his request for a tablet keyboard, while retaliating against him for grievances and legal activities. The court relied principally on the allegations concerning restraints, physical injury, and disability-related accommodations in determining which claims could proceed.

PROCEDURAL HISTORY

Harnage filed a 43-count complaint on September 8, 2025, alleging constitutional, ADA, and Rehabilitation Act violations arising from prison restraints, accommodations, access to a typewriter, and other prison conditions. The court previously granted in forma pauperis status and separately ordered briefing on a motion for temporary restraining order and preliminary injunction. On initial review, the court found that claims concerning black-box restraints and related accommodations were properly joined and potentially viable, while Counts 23 through 43 involved unrelated matters and were misjoined. The court allowed specified claims against eleven defendants to proceed to service and dismissed all other claims without prejudice, allowing Harnage either to proceed on the surviving claims or file an amended complaint.

DISPOSITION

other

CASES CITED

- Crispin v. Connecticut, No. 3:23-CV-1636 (SVN), 2024 WL 3860068, at *14 (D. Conn. Aug. 19, 2024)
- Abbas v. Dixon, 480 F.3d 636, 639 (2d Cir. 2007)
- Tracy v. Freshwater, 623 F.3d 90, 101-02 (2d Cir. 2010)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-56 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Chavis v. Chappius, 618 F.3d 162, 167 (2d Cir. 2010)
- Shepherd v. Annucci, 921 F.3d 89, 94 (2d Cir. 2019)
- Antrobus v. New York City, 762 F. Supp. 3d 241, 245 (E.D.N.Y. 2025)
- Pettus v. Morgenthau, 554 F.3d 293, 297 (2d Cir. 2009)
- Webb v. Maldonado, No. 3:13-CV-144 RNC, 2013 WL 3243135, at *3 (D. Conn. June 26, 2013)
- Costello v. Home Depot U.S.A., Inc., 888 F. Supp. 2d 258, 263-64 (D. Conn. 2012)
- Greystone Community Reinvestment Association v. Berean Capital, Inc., 638 F. Supp. 2d 278, 293 (D. Conn. 2009)
- Harris v. Steinem, 571 F.2d 119, 123 (2d Cir. 1978)
- Ardolf v. Weber, 332 F.R.D. 467, 479 (S.D.N.Y. 2019)
- Jordan v. Department of Correction, No. 3:24CV227 (VAB), 2024 WL 5112001, at *2 (D. Conn. Dec. 13, 2024)
- Sims v. Artuz, 230 F.3d 14, 20-21 (2d Cir. 2000)

- Hurd v. Fredenburgh, 984 F.3d 1075, 1084 (2d Cir. 2021)
- Francis v. Fiacco, 942 F.3d 126, 150 (2d Cir. 2019)
- Harris v. Miller, 818 F.3d 49, 63-64 (2d Cir. 2016)
- Crawford v. Cuomo, 796 F.3d 252, 256 (2d Cir. 2015)
- Hudson v. McMillian, 503 U.S. 1, 8, 10 (1992)
- Estelle v. Gamble, 429 U.S. 97, 102 (1976)
- Scott v. Coughlin, 344 F.3d 282, 291 (2d Cir. 2003)
- Matzell v. Annucci, 64 F.4th 425, 435 (2d Cir. 2023)
- Mason v. Connecticut Department of Correction, No. 3:21-CV-1088 (MPS), 2022 WL 19341, at *5 (D. Conn. Jan. 3, 2022)
- Davidson v. Flynn, 32 F.3d 27, 30 (2d Cir. 1994)
- Kentucky v. Graham, 473 U.S. 159, 166-67 (1985)
- Wright v. Smith, 21 F.3d 496, 501 (2d Cir. 1994)
- Rivera v. Viger, No. 3:21-cv-00470 (VAB), 2021 WL 3269095, at *3 (D. Conn. July 30, 2021)
- Provost v. City of Newburgh, 262 F.3d 146, 155 (2d Cir. 2001)
- Tangreti v. Bachmann, 983 F.3d 609, 620 (2d Cir. 2020)
- Bourgoin v. Weir, No. 3:10-CV-391 (JBA), 2011 WL 4435695, at *5-6 (D. Conn. Sept. 23, 2011)
- Farmer v. Brennan, 511 U.S. 825, 837, 842-43 (1994)
- Hayes v. New York City Department of Correction, 84 F.3d 614, 620 (2d Cir. 1996)
- Lewis v. Siwicki, 944 F.3d 427, 432 (2d Cir. 2019)
- Helling v. McKinney, 509 U.S. 25, 35 (1993)
- Cuoco v. Moritsugu, 222 F.3d 99, 106-07 (2d Cir. 2000)
- Salahuddin v. Goord, 467 F.3d 263, 280 (2d Cir. 2006)
- Suarez v. Morton, 170 F.4th 33, 59-60 (2d Cir. 2026)
- Brock v. Wright, 315 F.3d 158, 164 (2d Cir. 2003)
- Hope v. Pelzer, 536 U.S. 730, 738 (2002)
- Graham v. Connor, 490 U.S. 386, 395 n.10 (1989)
- Raynor v. Maldonado, No. 3:24-CV-1221 (JAM), 2024 WL 4533748, at *6 (D. Conn. Oct. 21, 2024)
- Bonilla v. Jarunczyk, 354 F. App'x 579, 581 (2d Cir. 2009)
- Village of Willowbrook v. Olech, 528 U.S. 562, 564 (2000) (per curiam)
- Clubside, Inc. v. Valentin, 468 F.3d 144, 159 (2d Cir. 2006)
- Hu v. City of New York, Hu v. City of New York, 927 F.3d 81, 92 (2d Cir. 2019)
- Crenshaw v. Department of Correction, No. 24-CV-439 (SFR), 2025 WL 2776975, at *5 (D. Conn. Sept. 25, 2025)
- Gardner v. Harry, No. 1:22-CV-1007, 2023 WL 4166091, at *3 (M.D. Pa. June 23, 2023)
- Brandon v. Kinter, 938 F.3d 21, 40 (2d Cir. 2019)
- Gill v. Pidlypchak, 389 F.3d 379, 380 (2d Cir. 2004)

- Walker v. Senecal, 130 F.4th 291, 298-99 (2d Cir. 2025)
- Cobb v. Pozzi, 363 F.3d 89, 108 (2d Cir. 2004)
- Kaminski v. Semple, 796 F. App'x 36, 38-39 (2d Cir. 2019)
- Lewis v. Casey, 518 U.S. 343, 350 (1996)
- Bounds v. Smith, 430 U.S. 817 (1977)
- Dixon v. Lupis, No. 3:20CV1754 (VLB), 2021 WL 4391246, at *9 n.2 (D. Conn. Sept. 24, 2021)
- Christopher v. Harbury, 536 U.S. 403, 414-16 (2002)
- Mitchell v. Martin, No. 3:23-CV-902 (JAM), 2023 WL 8114344, at *4 (D. Conn. Nov. 22, 2023)
- Jones v. Baran, No. 3:23-CV-1039 (VDO), 2025 WL 2910278, at *14 n.97 (D. Conn. Aug. 4, 2025)
- Laboy v. Beaulieu, No. 3:18-CV-361 (KAD), 2019 WL 2076810, at *2 (D. Conn. May 10, 2019)
- Wright v. New York State Department of Correction, 831 F.3d 64, 72, 74 (2d Cir. 2016)
- Fulton v. Goord, 591 F.3d 37, 43 (2d Cir. 2009)
- Goode v. Salias, No. 3:24-CV-1010, 2024 WL 3718268, at *7 (D. Conn. Aug. 8, 2024)
- Nesbitt v. Williams, No. 13 C 9241, 2017 WL 1079240, at *3 (N.D. Ill. Mar. 21, 2017)
- Dean v. University at Buffalo School of Medicine & Biomedical Sciences, 804 F.3d 178, 189 (2d Cir. 2015)
- Pennsylvania Department of Corrections v. Yeskey, 524 U.S. 206, 209-11 (1998)
- Lenti v. Connecticut, No. 3:20-CV-127 (SRU), 2020 WL 4275600, at *7 (D. Conn. July 24, 2020)
- Garcia v. S.U.N.Y. Health Sciences Center of Brooklyn, 280 F.3d 98, 107 (2d Cir. 2001)
- Harris v. Mills, 572 F.3d 66, 72 (2d Cir. 2009)