

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

Randall Clark v. 32 Sports, Inc. et al.

Clark v. 32 Sports · No. 25-CV-302 (SFR) · Decided May 20, 2026

SUMMARY

The United States District Court for the District of Connecticut adopts a magistrate judge’s report and recommendation in part and grants Randall Clark leave to amend his pro se complaint. The court permits all five counts of the amended complaint—assault and battery, negligence, defamation, intentional infliction of emotional distress, and negligent supervision—to proceed to service. The court also grants leave to attempt to replead malicious prosecution, civil rights conspiracy, and abuse of process claims, but declines to permit amendment of the false-arrest claim.

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 20, 2026
DOCKET	25-CV-302 (SFR)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's report and recommendation concerning initial review of his in forma pauperis complaint, then moved to amend before service. The district court reviewed unobjected portions of the recommendation for clear error, reviewed the objected portions as required, granted amendment as of right, and conducted an initial review of the amended complaint under 28 U.S.C. § 1915(e).
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 72, properly objected-to portions of a magistrate judge's recommendation are reviewed de novo, while unobjected-to portions are reviewed for clear error. In conducting initial review of an in forma pauperis complaint under 28 U.S.C. § 1915(e)(2)(B), the court dismisses claims that are frivolous or malicious, fail to state a claim, or seek monetary relief from an immune defendant, applying the plausibility standard and construing pro se pleadings liberally.

TOPICS

motion to amend

pleadings

civil procedure

negligence

defamation

PRACTICE AREAS

civil procedure

civil rights

torts

QUESTIONS PRESENTED

1. Whether the unobjected-to portions of the magistrate judge's report and recommendation should be adopted after clear-error review.
2. Whether Clark could amend his unserved complaint as of right under Federal Rule of Civil Procedure 15(a)(1).
3. Whether the original complaint stated potentially viable malicious-prosecution, false-arrest, civil-rights-conspiracy, and abuse-of-process claims after the conclusion of Clark's criminal case.
4. Whether the amended complaint stated claims sufficient to proceed past initial review under 28 U.S.C. § 1915(e), including claims for assault and battery, negligence, defamation, intentional infliction of emotional distress, and negligent supervision.
5. Whether Clark should receive leave to file a second amended complaint addressing deficiencies in specified claims.

HOLDINGS

1. Because Clark did not make particularized objections to the recommendations for the identified counts, the court reviewed those portions for clear error, found none, and adopted them.
2. Clark could amend his complaint as of right because the complaint had not yet been served; the motion to amend was granted and the proposed amended complaint became the operative complaint.
3. Dismissal through Connecticut's accelerated rehabilitation program is not a favorable termination for purposes of a federal or Connecticut malicious-prosecution claim, but Clark received leave to amend if he could allege that some charges terminated favorably and could satisfy the remaining elements.
4. The original complaint failed to state a false-arrest claim because it did not allege favorable termination of the underlying charges, and leave to amend was denied as futile because false-arrest claims require favorable termination of all charges under the controlling Second Circuit authority.
5. Because the court granted leave to amend the § 1983 malicious-prosecution claim, it also granted leave to amend the related civil-rights conspiracy claim, which requires an underlying violation of a federal right and a viable § 1983 claim.
6. The original abuse-of-process claim was no longer premature, but it still failed to state a plausible claim because the allegations did not support an inference that the police acted with an improper purpose; Clark was granted leave to amend to address the identified deficiencies.

7. All five counts of the amended complaint stated claims sufficient to proceed to service: assault and battery against the Hibbert defendants, negligence against 32 Sports and the Lawrence defendants, defamation against the Hibbert defendants, intentional infliction of emotional distress against the Hibbert defendants, and negligent supervision against 32 Sports and the Lawrence defendants.

KEY QUOTATIONS

“Because the Complaint has not yet been served, Clark may amend his complaint as of right pursuant to Federal Rule of Civil Procedure 15(a)(1).”

“Thus, we hold that a dismissal pursuant to the Connecticut accelerated pretrial rehabilitation program is not a termination in favor of the accused for purposes of a civil rights suit.” (853)

“A conspiracy claim under § 1983 “will stand only insofar as the plaintiff can prove the sine qua non of a § 1983 action: the violation of a federal right.”” (119)

“All five counts of the Amended Complaint may proceed to service.”

FACTUAL BACKGROUND

Clark alleged that defendants assaulted and battered him and asserted related tort, civil-rights, and other claims arising from the events underlying his state criminal proceedings. His criminal case had concluded through Connecticut's accelerated rehabilitation program as to at least some charges, although the record did not establish whether all charges were resolved that way or whether some were dismissed outright. In the amended complaint, Clark alleged assault and battery, negligence, defamation, intentional infliction of emotional distress, and negligent supervision, including allegations that Dustin Hibbert exhibited aggressive and escalating behavior that the Lawrence defendants and 32 Sports, Inc. observed or should have observed.

PROCEDURAL HISTORY

Clark filed an eleven-count complaint on February 13, 2025, and was granted leave to proceed in forma pauperis. Magistrate Judge Vatti issued an initial-review report and recommendation, which Clark timely objected to. After the recommendation, Clark moved to amend and submitted a proposed amended complaint. The district court adopted the recommendation in substantial part, modified its treatment of claims affected by the conclusion of Clark's criminal case, granted the motion to amend, allowed all five amended-complaint counts to proceed to service, and granted leave to attempt a further amendment of specified claims.

DISPOSITION

other

CASES CITED

- *Nambiar v. Cent. Orthopedic Grp., LLP*, 158 F.4th 349, 358-59 (2d Cir. 2025)
- *Arista Recs., LLC v. Doe 3*, 604 F.3d 110, 116 (2d Cir. 2010)
- *Rubinstein & Assocs., PLLC v. Entrepreneur Media, Inc.*, 554 F. Supp. 3d 506, 510 (E.D.N.Y. 2021)

- Rosa v. Doe, 86 F.4th 1001, 1007 (2d Cir. 2023)
- Triestman v. Federal Bureau of Prisons, 470 F.3d 471, 474 (2d Cir. 2006)
- Tracy v. Freshwater, 623 F.3d 9y0, 101 (2d Cir. 2010)
- Neitzke v. Williams, 490 U.S. 319, 325 (1989)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- McLeod v. Jewish Guild for the Blind, 864 F.3d 154, 156 (2d Cir. 2017)
- Gomez v. USAA Fed. Sav. Bank, 171 F.3d 794, 796 (2d Cir. 1999)
- Roberts v. Babkiewicz, 582 F.3d 418, 420 (2d Cir. 2009)
- McHale v. W. B. S. Corp., 187 Conn. 444, 447 (1982)
- Roesch v. Otarola, 980 F.2d 850, 853-54 (2d Cir. 1992)
- Miles v. City of Hartford, 445 F. App'x 379, 383 (2d Cir. 2011)
- Alvarez v. City of New Britain, No. 3:19-CV-723 (VLB), 2021 WL 4193069, at *9 (D. Conn. Sept. 15, 2021)
- Koulmey v. Sweeney, No. CV156028757S, 2018 WL 2471330, at *5 (Conn. Super. Ct. May 17, 2018)
- Carruthers v. Colton, 153 F.4th 169, 185 (2d Cir. 2025)
- Outlaw v. City of Meriden, 43 Conn. App. 387, 392 (1996)
- Walker v. Sankhi, 494 F. App'x 140, 142 (2d Cir. 2012)
- Manganiello v. City of New York, 612 F.3d 149, 161-62 (2d Cir. 2010)
- Jaegly v. Couch, 439 F.3d 149, 151-54 (2d Cir. 2006)
- Mendes v. Cunningham, No. 3:21-CV-1527 (JAM), 2022 WL 2104515, at *2 (D. Conn. June 10, 2022)
- Morin v. Ivanova, No. NNI-CV25-5018598S, 2026 WL 674107, at *5 (Conn. Super. Ct. Mar. 6, 2026)
- Burton v. Mason, No. X06UWYCV215028294S, 2022 WL 433695, at *7 (Conn. Super. Ct. Jan. 21, 2022)
- Mims v. Laprey, No. 3:24-CV-238 (SVN), 2024 WL 3090481, at *7 n.4 (D. Conn. June 21, 2024)
- Singer v. Fulton Cnty. Sheriff, 63 F.3d 110, 119 (2d Cir. 1995)
- Pittman v. Bombardier Recreational Prods., Inc., No. 3:22-cv-1115 (VAB), 2023 WL 4157345, at *9 (D. Conn. June 23, 2023)
- Karlen v. Uber Techs., Inc., No. 3:21-cv-835 (VAB), 2023 WL 3570635, at *3-5 (D. Conn. May 19, 2023)
- Michalsky v. Moffly Pubs., Inc., No. FSTCV196042420S, 2020 WL 5537003, at *5 (Conn. Super. Ct. Aug. 13, 2020)