

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Gary Morrow v. John Doe Sgt., Badge #2099; John Doe C.O., Badge #5342; Suffolk County

2:25-cv-2364 (NJC) (AYS) · No. 2:25-cv-2364 · Decided January 22, 2026

SUMMARY

This Memorandum and Order addresses pro se plaintiff Gary Morrow’s amended 42 U.S.C. § 1983 complaint concerning the failure to provide him a dinner meal at Suffolk County Correctional Facility on one occasion. The court analyzes claims involving conditions of confinement, free exercise of religion, equal protection, RFRA, municipal liability, and New York correctional-facility food regulations, and dismisses the claims discussed in the excerpt for failure to state plausible claims.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Nusrat J. Choudhury
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	January 22, 2026
DOCKET	2:25-cv-2364
DISPOSITION	dismissed
PROCEDURAL POSTURE	Motion to dismiss amended complaint filed by pro se plaintiff proceeding in forma pauperis under 28 U.S.C. §§ 1915 and 1915A.
STANDARD OF REVIEW	Dismissal under 28 U.S.C. §§ 1915(e)(2)(B)(i)-(ii), 1915A(b)(1) for failure to state a claim
PRECEDENTIAL VALUE	unpublished

TOPICS

- section 1983
- prisoners rights
- free exercise clause
- fourteenth amendment
- due process
- equal protection
- civil rights
- civil procedure

PRACTICE AREAS

- civil rights
- constitutional law
- civil procedure

QUESTIONS PRESENTED

1. Whether the amended complaint states a plausible conditions of confinement claim under the Fourteenth Amendment Due Process Clause
2. Whether the amended complaint states a plausible Free Exercise Clause claim under the First Amendment
3. Whether the amended complaint states a plausible Equal Protection Clause claim under the Fourteenth Amendment
4. Whether RFRA claims against state/local defendants are viable
5. Whether Suffolk County can be held liable under Monell
6. Whether to exercise supplemental jurisdiction over state law claims

HOLDINGS

1. The absence of a single meal does not rise to the level of a constitutional deprivation under the Fourteenth Amendment's deliberate indifference standard for pretrial detainees.
2. Isolated acts of negligence cannot violate an individual's free exercise of religion; a plaintiff must allege that a government entity burdened sincere religious practice pursuant to a policy that is not neutral or generally applicable.
3. The amended complaint fails to state an equal protection claim because it does not allege intentional discrimination, selective enforcement based on impermissible considerations, or treatment different from similarly situated individuals.
4. RFRA is unconstitutional as applied to state and local governments; RLUIPA provides only injunctive and declaratory relief, not monetary damages against state officers.
5. Suffolk County cannot be held liable under Section 1983 because the complaint fails to allege that the constitutional deprivation resulted from an official policy, practice, or custom.

KEY QUOTATIONS

“the absence of a single meal does not rise to the level of a constitutional deprivation” (at 5)

“isolated acts of negligence cannot violate an individual's free exercise of religion” (at 14-15)

“an alleged violation of a prison policy, directive, or regulation, in and of itself, does not give rise to a federal claim, because federal constitutional standards rather than state law define the requirements of procedural due process.” (at 9)

FACTUAL BACKGROUND

Plaintiff, a pretrial detainee at Suffolk County Correctional Facility, alleged that on March 16, 2025 (during Ramadan), he was denied a dinner meal due to a kitchen error. Plaintiff claimed he informed staff, who acknowledged the error but took no corrective action. Plaintiff alleged he was not fed until the next day, violating his constitutional rights and New York regulations requiring three meals daily.

PROCEDURAL HISTORY

Plaintiff filed original complaint under 42 U.S.C. § 1983; Court granted IFP motion and dismissed complaint without prejudice; Plaintiff filed amended complaint; Court screened amended complaint and dismissed all claims.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

Leave to further amend denied; plaintiff may pursue valid claims including negligence in state court.

CASES CITED

- Darnell v. Pineiro, 849 F.3d 17, 29 (2d Cir. 2017)
- Kravitz v. Purcell, 87 F.4th 111, 119 (2d Cir. 2023)
- Wiggins v. Griffin, 86 F.4th 987, 997 (2d Cir. 2023)
- Monell v. Dep't of Social Servs., 436 U.S. 658 (1978)
- City of Boerne v. Flores, 521 U.S. 507 (1997)
- Robles v. Coughlin, 725 F.2d 12, 15 (2d Cir. 1983)
- Ford v. McGinis, 352 F.3d 582 (2d Cir. 2003)
- Booker v. Graham, 974 F.3d 101, 107 (2d Cir. 2020)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Hunter v. McMahon, 75 F.4th 62, 67 (2d Cir. 2023)