

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Herbert W. Lux, Jr. et al. v. Darci L. Hultquist et al.

Lux · No. 24-CV-783-LJV · Decided March 31, 2026

SUMMARY

The United States District Court for the Western District of New York addresses motions to dismiss claims arising from Herbert and Janice Lux’s arrest and extradition from New York to Virginia. The court dismisses the claims against the judicial defendants based on judicial immunity and dismisses the claims against the Virginia defendants based on collateral estoppel. The court denies the Erie County defendants’ motion based on the first-filed rule and directs those defendants to answer the amended complaint.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Lawrence J. Vilardo
JURISDICTION	United States District Court for the Western District of New York
DECIDED	March 31, 2026
DOCKET	24-CV-783-LJV
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs brought an action under 42 U.S.C. § 1983 concerning Lux's arrest and extradition from New York to Virginia. After plaintiffs amended the complaint, the judicial defendants, Virginia defendants, and Erie County defendants each moved to dismiss under various Federal Rules of Civil Procedure.
STANDARD OF REVIEW	On a motion to dismiss, the court accepts factual allegations as true and draws all reasonable inferences in plaintiffs' favor, while disregarding legal conclusions. Pro se pleadings are construed liberally. The court may dismiss on collateral-estoppel grounds under Rule 12(b)(6).
PRECEDENTIAL VALUE	unpublished
PARTIES	Herbert W. Lux, Jr., Janice M. Lux v. Darci L. Hultquist, Thomas M. Lederhouse, Joseph A. Stasio, Matthew P. Leuer, Paul J. Reed, Jeremy R. Lehning, Mark A. Montour, Kenneth F. Case, James F. Bargnesi,

TOPICS

motions to dismiss civil procedure section 1983 venue

PRACTICE AREAS

civil procedure civil rights constitutional law

QUESTIONS PRESENTED

1. Whether claims against the judicial defendants arising from their handling of Lux's extradition proceedings were barred by judicial immunity.
2. Whether collateral estoppel barred plaintiffs' claims against the Virginia defendants because substantially identical claims arising from the same events had been dismissed in a prior Eastern District of Virginia action.
3. Whether the first-filed rule required dismissal of claims against the Erie County defendants when the earlier-filed Virginia action had been voluntarily dismissed and no competing lawsuit remained pending.

HOLDINGS

1. Judicial immunity barred the plaintiffs' damages claims against the judicial defendants because the challenged conduct consisted of judicial acts performed in matters within the judges' jurisdiction.
2. Collateral estoppel barred plaintiffs' claims against the Virginia defendants because the same issues arising from the same events and asserted against the same defendants had been actually litigated and resolved in a final merits judgment in the prior Eastern District of Virginia action.
3. The first-filed rule did not require dismissal of the claims against the Erie County defendants because the earlier-filed Virginia action had been voluntarily dismissed, leaving no two competing lawsuits.

KEY QUOTATIONS

“It is well settled that judges generally have absolute immunity from suits for money damages for their judicial actions.” (at 3)

“Judicial “immunity is overcome in only two sets of circumstances.”” (at 4)

“Those claims were already decided in the Eastern District of Virginia, and collateral estoppel precludes the plaintiffs from taking a second bite of the apple in this Court.” (at 9)

FACTUAL BACKGROUND

The amended complaint alleged that Virginia prosecutor Paul Walther requested that Virginia and Erie County law-enforcement officers arrest Herbert Lux for extradition without a warrant, affidavit, or certified copy of the charges. Erie County officers allegedly entered the Luxes' home, arrested Lux, used allegedly excessive

restraints, and transported him to the Erie County Holding Center. During extradition proceedings, New York judges allegedly denied Lux's requests concerning counsel, self-representation, restraints, the validity of the warrant, and habeas relief. Plaintiffs also alleged that the Virginia defendants and Erie County defendants violated their constitutional rights in connection with the arrest and extradition.

PROCEDURAL HISTORY

Plaintiffs commenced the action on August 22, 2024, and filed an amended complaint on January 22, 2025. The court granted the judicial defendants' motion to dismiss based on judicial immunity and granted the Virginia defendants' motion based on collateral estoppel. The court denied the Erie County defendants' motion, holding that the first-filed rule did not apply because the earlier Virginia action had been voluntarily dismissed and no competing lawsuits remained. The Erie County defendants were ordered to answer within 30 days.

DISPOSITION

other

CASES CITED

- Trustees of Upstate New York Engineers Pension Fund v. Ivy Asset Management, 843 F.3d 561, 566 (2d Cir. 2016)
- Harris v. Mills, 572 F.3d 66, 72 (2d Cir. 2009)
- Bliven v. Hunt, 579 F.3d 204, 209-10 (2d Cir. 2009)
- Bradley v. Fisher, 80 U.S. 335, 347 (1871)
- Mireles v. Waco, 502 U.S. 9, 11-12 (1991)
- Mitchell v. Forsyth, 472 U.S. 511, 526 (1985)
- ONY, Inc. v. Cornerstone Therapeutics, Inc., 720 F.3d 490, 498 n.6 (2d Cir. 2013)
- Proctor v. LeClaire, 715 F.3d 402, 414 (2d Cir. 2013)
- Trotman v. McCoy, 2024 WL 3759757, at *7 (W.D.N.Y. Aug. 12, 2024)
- Lefkowitz v. McGraw-Hill Global Education Holdings, LLC, 23 F. Supp. 3d 344, 360 (S.D.N.Y. 2014)
- Berrios v. New York City Housing Authority, 564 F.3d 130, 134 (2d Cir. 2009)
- N.Y. Marine & General Insurance Co. v. Lafarge North America, Inc., 599 F.3d 102, 112 (2d Cir. 2010)
- Walsh v. Nelnet Servicing, LLC, 2025 WL 2022631 (S.D.N.Y. July 18, 2025)
- Motion Picture Laboratory Technicians Local 780 v. McGregor & Werner, Inc., 804 F.2d 16, 19 (2d Cir. 1986)
- Byron v. Genovese Drug Stores, Inc., 2011 WL 4962499, at *2 (E.D.N.Y. 2011)
- Ng v. Sedgwick Claims Management Services Inc., 2024 WL 4827574, at *4 (S.D.N.Y. Nov. 19, 2024)