

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Joseph M. Fusco, III v. Monroe County, New York, Monroe County Clerk, Monroe County Sheriff

Fusco v. Monroe County · No. 25-CV-6505-MAV · Decided March 25, 2026

SUMMARY

The United States District Court for the Western District of New York denied Joseph M. Fusco, III’s motion for reconsideration of the dismissal of his action against Monroe County and related defendants. The court also denied his motion to appeal in forma pauperis, concluding that he had not adequately supported his application and that the underlying action remained barred by jurisdictional doctrines including Rooker-Feldman and Younger abstention.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Meredith A. Vacca
JURISDICTION	United States District Court for the Western District of New York
DECIDED	March 25, 2026
DOCKET	25-CV-6505-MAV
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for reconsideration of the dismissal of his federal action for lack of subject matter jurisdiction and moved for leave to appeal in forma pauperis. The district court denied both motions.
STANDARD OF REVIEW	Motions for reconsideration are governed by a strict standard and generally require controlling decisions or data overlooked by the court that could reasonably be expected to alter the result. Reconsideration may be warranted by an intervening change in controlling law, newly available evidence, clear error, or manifest injustice.
PRECEDENTIAL VALUE	unpublished district-court decision
PARTIES	Joseph M. Fusco, III v. Monroe County, New York, Monroe County Clerk, Monroe County Sheriff

TOPICS

motion for reconsideration

subject matter jurisdiction

motions to dismiss

injunctions

appellate procedure

PRACTICE AREAS

civil procedure

constitutional law

civil rights

federal jurisdiction

family law

QUESTIONS PRESENTED

1. Whether Plaintiff established grounds for reconsideration of the December 19, 2025 dismissal order.
2. Whether dismissal was premature because briefing on Plaintiff's preliminary-injunction motion had not concluded.
3. Whether the Rooker-Feldman doctrine could apply to Plaintiff's challenge to an October 14, 2025 state-court order issued after the federal complaint was filed.
4. Whether *Safir v. U.S. Lines, Inc.* required a different result concerning alleged restrictions on Plaintiff's access to file papers in state court.
5. Whether Plaintiff established eligibility for leave to appeal in forma pauperis.

HOLDINGS

1. Reconsideration was properly denied because Plaintiff identified no controlling decision or data overlooked by the court, intervening change in law, new evidence, clear error, or manifest injustice that could alter the dismissal.
2. The dismissal was not premature because Defendants' motion to dismiss the amended complaint was ripe, and the request for a preliminary injunction became moot when the court determined that it lacked subject matter jurisdiction.
3. Even assuming the Rooker-Feldman doctrine did not apply to the October 14, 2025 state-court order because it post-dated the federal complaint, Younger abstention independently precluded Plaintiff's claims.
4. Leave to appeal in forma pauperis was denied because Plaintiff did not submit the required application form and his unsupported assertion concerning bankruptcy and inability to prepay the appellate fee was insufficient.

KEY QUOTATIONS

“the standard for granting a motion for reconsideration is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked— matters, in other words, that might reasonably be expected to alter the conclusion reached by the court.” (Discussion § I)

“The purpose of a preliminary injunction is to provide relief temporarily pending resolution of a case on the merits.” (Discussion § I)

FACTUAL BACKGROUND

Plaintiff challenged alleged Monroe County practices involving the acceptance and enforcement of orders issued in an ongoing state matrimonial proceeding, including an October 14, 2025 order of protection. He sought federal injunctive relief requiring the County to review state-court orders and adopt procedures concerning their acceptance and docketing. The district court concluded that the action was barred by lack of subject matter jurisdiction, the Rooker-Feldman doctrine, and Younger abstention, and later denied reconsideration and Plaintiff's request to appeal in forma pauperis.

PROCEDURAL HISTORY

Plaintiff filed a civil-rights action challenging Monroe County's alleged acceptance and enforcement of state matrimonial-court orders, along with requests for a temporary restraining order and preliminary injunction. The court dismissed the original complaint under Rule 12(b)(1), denied injunctive relief as moot, permitted a limited amendment, and then dismissed the amended complaint because it remained barred by the Rooker-Feldman doctrine and Younger abstention. After judgment was entered and the case was closed, Plaintiff moved for reconsideration and for leave to appeal in forma pauperis; both motions were denied.

DISPOSITION

other

CASES CITED

- Shomo v. Eckert, 755 F. Supp. 3d 344, 346-47 (W.D.N.Y. 2024)
- Osterneck v. Ernst & Whinney, 489 U.S. 169, 174 (1989)
- Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995)
- Virgin Atl. Airways, LTD v. Nat'l Mediation Bd., 956 F.2d 1245, 1255 (2d Cir. 1992)
- United States v. Adegbite, 877 F.2d 174, 178 (2d Cir. 1989)
- Pierce v. Woldenberg, 498 F. App'x 96, 98 (2d Cir. 2012)
- Safir v. U.S. Lines, Inc., 792 F.2d 19, 24 (2d Cir. 1986)