

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Mohamed S. Yasin v. Sajeda Jamhour, et al.

Yasin · No. Civil Action No. 25-02389 (SDW) (JRA) · Decided March 6, 2026

SUMMARY

The United States District Court for the District of New Jersey grants without prejudice three motions to dismiss Mohamed S. Yasin’s amended complaint arising from the death of his brother. The court dismisses claims under 42 U.S.C. § 1983, the New Jersey Civil Rights Act, the New Jersey Wrongful Death Act, and the New Jersey Survivor’s Act based on pleading deficiencies, failure to allege a constitutional right to a criminal investigation, inadequate Monell allegations, and failure to plead a wrongful act causing death. The court also holds that the Passaic County Prosecutor’s Office is entitled to Eleventh Amendment sovereign immunity and allows thirty days to amend.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of New Jersey                                                                                                                                                                                                                                                    |
| WRITING FOR THE COURT | Susan D. Wigenton                                                                                                                                                                                                                                                                                              |
| JURISDICTION          | United States District Court for the District of New Jersey                                                                                                                                                                                                                                                    |
| DECIDED               | March 6, 2026                                                                                                                                                                                                                                                                                                  |
| DOCKET                | Civil Action No. 25-02389 (SDW) (JRA)                                                                                                                                                                                                                                                                          |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                          |
| PROCEDURAL POSTURE    | Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff's amended complaint asserting claims under 42 U.S.C. § 1983, the New Jersey Civil Rights Act, the New Jersey Wrongful Death Act, and the New Jersey Survivor's Act.                                                       |
| STANDARD OF REVIEW    | On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, construes the complaint favorably to the plaintiff, and determines whether the complaint states a facially plausible claim for relief. Labels, conclusions, and formulaic recitations of the elements are insufficient. |
| PRECEDENTIAL VALUE    | Unpublished and not for publication; district court opinion.                                                                                                                                                                                                                                                   |
|                       |                                                                                                                                                                                                                                                                                                                |

## PARTIES

Mohamed S. Yasin v. Sajeda Jamhour, et al., Passaic County Sheriff's Office, Passaic County Prosecutor's Office, City of Paterson, City of Paterson Police Department, Abdalaziz Yousef, Sharom Mallqui, Jason English, Michael McDonald, Abdelmonim Hamdeh

## TOPICS

motions to dismiss

pleadings

section 1983

municipal liability

eleventh amendment immunity

## PRACTICE AREAS

civil procedure

civil rights

constitutional law

municipal liability

torts

## QUESTIONS PRESENTED

1. Whether the claims against the Passaic County Sheriff's Office satisfied Federal Rule of Civil Procedure 8 and Rule 12(b)(6) despite relying on group pleading and lacking factual allegations connecting that office to the alleged wrongdoing.
2. Whether Plaintiff adequately pleaded § 1983 and New Jersey Civil Rights Act claims against individual officers based on an allegedly inadequate investigation.
3. Whether Plaintiff adequately pleaded municipal liability against the City of Paterson under Monell.
4. Whether Plaintiff adequately pleaded claims under the New Jersey Wrongful Death Act and Survivor's Act.
5. Whether the Passaic County Prosecutor's Office was entitled to Eleventh Amendment sovereign immunity under the Fitchik factors.

## HOLDINGS

1. Claims against the Passaic County Sheriff's Office must be dismissed where the complaint contains no specific factual allegations concerning that office's involvement and instead relies on impermissible group pleading.
2. Plaintiff failed to state § 1983 or NJCRA claims against the individual defendants because he did not identify each defendant's conduct and failed to plead a constitutional violation based on the alleged failure to conduct an adequate criminal investigation.
3. The New Jersey Civil Rights Act claims fail for the same reasons as the parallel § 1983 claims because NJCRA claims are interpreted analogously and rise or fall with § 1983 claims.
4. Plaintiff failed to state a Monell claim against the City of Paterson because he did not adequately plead a constitutional violation, identify a relevant municipal policy or custom, identify a final policymaker, or allege a pattern of similar incidents.
5. Plaintiff failed to state claims under the New Jersey Wrongful Death Act and Survivor's Act because he did not allege that any Paterson Defendant committed a wrongful act that caused the decedent's death.

6. The Passaic County Prosecutor's Office is entitled to Eleventh Amendment sovereign immunity for claims arising from its law-enforcement and investigative functions.

#### KEY QUOTATIONS

*“To withstand a motion to dismiss under Rule 12(b)(6), “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” (Section II)*

*“Plaintiff cannot cure deficiencies in his Amended Complaint in this manner. “[I]t is axiomatic that the complaint may not be amended by the briefs in opposition to a motion to dismiss.” (Section III.A)*

*“Plaintiff also does not adequately plead a cause of action against the Individual Defendants because Plaintiff fails to demonstrate a constitutional violation as there is no recognized constitutional right to a criminal investigation.” (Section III.B.i.a)*

#### FACTUAL BACKGROUND

Plaintiff's brother, Nadil Yasin, died at his home on April 9, 2023, after allegedly contentious marital disputes and threats from his then-wife, Sajeda Jamhour. Plaintiff alleged that Paterson police officers failed to treat Jamhour as a suspect and inadequately secured and investigated the crime scene, allegedly because Officer Abdalaziz Yousef had an extramarital affair with Jamhour. The complaint did not identify specific conduct by the Passaic County Sheriff's Office, did not adequately identify the conduct of most individual defendants, and did not plead a policy or custom supporting municipal liability.

#### PROCEDURAL HISTORY

Plaintiff initially filed suit on April 7, 2025, and filed an amended complaint on August 18, 2025. The Passaic County Sheriff's Office, Passaic County Prosecutor's Office, and Paterson Defendants moved to dismiss. The court granted all motions without prejudice and allowed Plaintiff thirty days to file another amended complaint.

#### DISPOSITION

other

#### REMAND INSTRUCTIONS

Plaintiff may file an amended complaint within thirty days.

#### CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Mayer v. Spanel International Ltd., 605 F.3d 223, 229 (3d Cir. 2010)
- Roman v. County of Hudson, No. 23-2811, 2024 WL 1757150, at \*7 (D.N.J. Apr. 23, 2024)
- In re Ojo, No. 21-11357, 2021 WL 3732904, at \*2 (D.N.J. Aug. 23, 2021)
- Falat v. County of Hunterdon, No. 12-6804, 2013 WL 1163751, at \*3 (D.N.J. Mar. 19, 2013)

- Janowski v. City of North Wildwood, 259 F. Supp. 3d 113, 120-21 (D.N.J. 2017)
- Commonwealth of Pennsylvania ex rel. Zimmerman v. PepsiCo, Inc., 836 F.2d 173, 181 (3d Cir. 1988)
- Coles v. Carlini, 162 F. Supp. 3d 380, 405 (D.N.J. 2015)
- Trafton v. City of Woodbury, 799 F. Supp. 2d 417, 430, 443 (D.N.J. 2011)
- Kneipp v. Tedder, 95 F.3d 1199, 1204 (3d Cir. 1996)
- Southey v. Township of Vernon, No. 21-11844, 2025 WL 1341742, at \*10 (D.N.J. May 7, 2025)
- Mervilus v. Union County, 73 F.4th 185, 193 n.4 (3d Cir. 2023)
- Estate of Smith v. Marasco, 430 F.3d 140, 151 (3d Cir. 2005)
- Murphy v. Middlesex County, 361 F. Supp. 3d 376, 391 (D.N.J. 2019)
- Fuchs v. Mercer County, 260 F. App'x 472, 475 (3d Cir. 2008)
- Ogrod v. City of Philadelphia, 598 F. Supp. 3d 253, 268 (E.D. Pa. 2022)
- Beck v. City of Pittsburgh, 89 F.3d 966, 971 (3d Cir. 1996)
- Monell v. Department of Social Services, 436 U.S. 658, 690 (1978)
- McTernan v. City of York, PA, 564 F.3d 636, 658 (3d Cir. 2009)
- Watson v. Abington Township, 478 F.3d 144, 154 (3d Cir. 2007)
- Aronberg v. Tolbert, 25 A.3d 1121, 1128, 1130 (N.J. 2011)
- Fitchik v. New Jersey Transit Rail Operations, Inc., 873 F.2d 655, 659 (3d Cir. 1989)
- Estate of Lagano v. Bergen County Prosecutor's Office, 769 F.3d 850, 857-58 (3d Cir. 2014)
- Wright v. State, 778 A.2d 443, 452, 462, 464 (N.J. 2001)
- Estate of Bardzell v. Gomperts, 515 F. Supp. 3d 256, 269 (D.N.J. 2021), aff'd, No. 21-1906, 2022 WL 843483 (3d Cir. Mar. 22, 2022)
- Allen v. New Jersey State Police, 974 F.3d 497, 505 (3d Cir. 2020)
- Pennhurst State School & Hospital v. Halderman, 465 U.S. 89, 106 (1984)