

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

Barry Arpin v. Commissioner Scott Semple, et al.

Arpin · No. 3:24-cv-1918 (SRU) · Decided March 19, 2026

SUMMARY

The United States District Court for the District of Connecticut granted defendants’ motion to dismiss Barry Arpin’s claims. The court held that Arpin’s First and Fourteenth Amendment intimate-association claim was barred by the statute of limitations and was not tolled by his pursuit of state court remedies. The court declined supplemental jurisdiction over his intentional-infliction-of-emotional-distress claim and dismissed it without prejudice.

CASE DETAILS

COURT	United States District Court for the District of Connecticut
WRITING FOR THE COURT	Stefan R. Underhill
JURISDICTION	United States District Court for the District of Connecticut
DECIDED	March 19, 2026
DOCKET	3:24-cv-1918 (SRU)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the remaining claims in the plaintiff’s section 1983 action. The court granted the motion, dismissed the federal intimate-association claim as time-barred, declined supplemental jurisdiction over the state-law claim, dismissed that claim without prejudice, and closed the case.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts material factual allegations as true, draws reasonable inferences in the plaintiff’s favor, and determines whether the complaint plausibly states a claim for relief. The court may dismiss on timeliness grounds when the complaint’s allegations establish that the claim is time-barred.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Barry Arpin v. Commissioner Scott Semple, Commissioner Angel Quiros, Warden Erfe, Warden Falcone, Captain Watson, Captain Morris, Lieutenant Eberle, Lieutenant Boyd, Correction Officer Kelly, Correction Officer Peracchio, Correction Officer Vedula, Correction Officer Wright, Correction Officer Zoto

TOPICS

statute of limitations motions to dismiss section 1983 civil procedure
intentional infliction of emotional distress

PRACTICE AREAS

civil rights constitutional law civil procedure prisoner litigation torts

QUESTIONS PRESENTED

1. Whether Arpin's First and Fourteenth Amendment intimate-association claim was barred by Connecticut's three-year statute of limitations.
2. Whether the continuing-course-of-conduct doctrine or Arpin's pursuit of state-court remedies tolled the limitations period for his section 1983 claim.
3. Whether the court should exercise supplemental jurisdiction over Arpin's Connecticut intentional-infliction-of-emotional-distress claim after dismissing the federal claim.

HOLDINGS

1. Arpin's First and Fourteenth Amendment intimate-association claim was time-barred because the alleged continuing course of conduct ended no later than May 10, 2018, and the complaint was not filed until December 2, 2024.
2. Arpin's pursuit of state-court remedies did not toll the statute of limitations for his section 1983 claim.
3. The court declined to exercise supplemental jurisdiction over Arpin's intentional-infliction-of-emotional-distress claim after dismissing all federal claims and dismissed the state-law claim without prejudice.

KEY QUOTATIONS

“freedom of association is among the rights least compatible with incarceration” (at 5)

“Some curtailment of that freedom must be expected in the prison context.” (at 5)

“Therefore, the continuing course of conduct by the Defendants ended no later than May 10, 2018.” (at 10)

“Because there are no federal law claims remaining, I decline to exercise supplemental jurisdiction over Arpin’s claims arising under state law.” (at 11)

FACTUAL BACKGROUND

Arpin, a sentenced Connecticut inmate, was housed at Cheshire Correctional Institution from February 17, 2017, until May 10, 2018. He alleged that correctional personnel subjected him to searches, disciplinary proceedings, and other conduct after a photocopied drawing from his daughter tested presumptively positive for Suboxone, and that his wife was removed from his prison visitor list for seven years. Arpin alleged that his wife was restored to the visitor list on May 30, 2024, but he did not allege facts connecting the named defendants to continued deprivation of his association with his wife after his transfer from Cheshire.

PROCEDURAL HISTORY

Arpin filed a pro se complaint under 42 U.S.C. § 1983. Following initial review under 28 U.S.C. § 1915A, the court allowed individual-capacity claims for deprivation of intimate association under the First and Fourteenth Amendments and intentional infliction of emotional distress under Connecticut law to proceed, while dismissing the remaining claims, including official-capacity claims. Defendants moved to dismiss; after briefing and a permitted sur-reply concerning collateral estoppel, the court granted the motion.

DISPOSITION

dismissed

CASES CITED

- Sanchez v. RN Debbie, 2018 WL 5314916, at *2 n.4 (D. Conn. Oct. 26, 2018)
- Giraldo v. Kessler, 694 F.3d 161, 164 (2d Cir. 2012)
- Ryder Energy Distribution Corp. v. Merrill Lynch Commodities, Inc., 748 F.2d 774, 779 (2d Cir. 1984)
- Geisler v. Petrocelli, 616 F.2d 636, 639 (2d Cir. 1980)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-56, 570 (2007)
- Leeds v. Meltz, 85 F.3d 51, 53 (2d Cir. 1996)
- Sykes v. Bank of Am., 723 F.3d 399, 403 (2d Cir. 2013)
- Triestman v. Fed. Bureau of Prisons, 470 F.3d 471, 474 (2d Cir. 2006)
- Tracy v. Freshwater, 623 F.3d 90, 101-02 (2d Cir. 2010)
- Adler v. Pataki, 185 F.3d 35, 42 (2d Cir. 1999)
- Overton v. Bazzetta, 539 U.S. 126, 131-32 (2003)
- Leonhard v. United States, 633 F.2d 599, 609 n.11 (2d Cir. 1980)
- Reese v. Lightner, 2019 WL 2176342, at *3 (D. Conn. May 20, 2019)
- Lounsbury v. Jeffries, 25 F.3d 131, 134 (2d Cir. 1994)
- Wallace v. Kato, 549 U.S. 384, 388 (2007)
- Hogan v. Fischer, 738 F.3d 509, 518 (2d Cir. 2013)
- Bernier v. Travelers Prop. Causalty Ins. Co., 2025 WL 2379310, at *20, *22, *24 (D. Conn. Aug. 15, 2025)
- Macellaio v. Newington Police Dep't, 145 Conn. App. 426, 432-35 (2013)
- Rutka v. City of Meriden, 2024 WL 4349033, at *8 (D. Conn. Sept. 30, 2024)
- Carter v. Univ. of Conn., 2006 WL 2130730, at *3 (D. Conn. July 28, 2006), aff'd, 264 F. App'x 111 (2d Cir. 2008)
- Flannery v. Singer Asset Fin. Co., LLC, 312 Conn. 286, 313, 321 (2014)
- Witt v. St. Vincent's Medical Center, 252 Conn. 363, 370 (2000)
- Essex Ins. Co. v. William Kramer & Assocs., LLC, 331 Conn. 493, 504 (2019)
- Partitions, Inc. v. Blumberg Assocs., Inc., 2001 WL 1332174, at *5 (Conn. Super. Ct. Oct. 9, 2001)

- Dory v. Ryan, 999 F.2d 679, 682 (2d Cir. 1993)
- Lehal v. Cent. Falls Det. Facility Corp., 2019 WL 1447261, at *19 (S.D.N.Y. Mar. 15, 2019)
- Arpin v. Comm'r of Correction, 2022 WL 1046296, at *3 (Conn. Super. Ct. Feb. 28, 2022)
- Arpin v. Comm'r of Correction, 221 Conn. App. 904 (2023)
- Arpin v. Comm'r of Correction, 348 Conn. 933 (2024)
- Abbas v. Dixon, 480 F.3d 636, 641 (2d Cir. 2007)
- Cancel v. Mazzuca, 2003 WL 1702011, at *3 (S.D.N.Y. Mar. 28, 2003)
- Horton v. Schenectady Cnty., 2023 WL 5777530 (N.D.N.Y. July 17, 2023)
- Beaman v. New York, 2025 WL 3042027, at *4 (N.D.N.Y. Oct. 31, 2025)
- Astra Media Grp., LLC v. Clear Channel Taxi Media, LLC, 414 F. App'x 334, 337 (2d Cir. 2011)

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