

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Zakkiyya Carter v. Gerald Greenan III

Carter v. Greenan, No. 24-CV-1168 (JLS) (MJR) (W.D.N.Y. May 12, 2026) · No. 24-CV-1168 (JLS) (MJR) · Decided May 12, 2026

SUMMARY

The United States District Court for the Western District of New York grants Zakkiyya Carter leave to proceed in forma pauperis and screens her claims under 42 U.S.C. § 1983, the ADA, and the Fourteenth Amendment. The court dismisses the complaint against New York State Supreme Court Justice Gerald Greenan III based on absolute judicial immunity, concluding that the challenged conduct occurred in his judicial capacity and within his jurisdiction. The dismissal is with leave to amend by June 25, 2026.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	John L. Sinatra, Jr.
JURISDICTION	United States District Court for the Western District of New York
DECIDED	May 12, 2026
DOCKET	24-CV-1168 (JLS) (MJR)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Carter filed a pro se action under 42 U.S.C. § 1983 and the Americans with Disabilities Act, alleging due process violations and disability discrimination by a state judge. The district court granted leave to proceed in forma pauperis, screened the complaint under the IFP statute, dismissed the complaint in its entirety based on absolute judicial immunity, and granted leave to amend.
STANDARD OF REVIEW	On IFP screening, the court accepts factual allegations as true and draws reasonable inferences in the plaintiff's favor, construes pro se pleadings liberally, and dismisses claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. A complaint must comply with Rule 8 and plausibly state a claim under Twombly and Iqbal.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Zakkiyya Carter v. Gerald Greenan III

TOPICS

civil procedure

section 1983

ada / disability

due process

pleadings

PRACTICE AREAS

civil procedure

civil rights

constitutional law

disability discrimination

judicial immunity

QUESTIONS PRESENTED

1. Whether Carter's complaint stated a viable claim under 42 U.S.C. § 1983 or the ADA against a state judge based on alleged bias, refusal to recuse, denial of disability accommodations, and allegedly unconstitutional judicial rulings.
2. Whether absolute judicial immunity barred Carter's claims against Judge Greenan.
3. Whether Carter was entitled to leave to amend after dismissal at the IFP screening stage.

HOLDINGS

1. Absolute judicial immunity bars claims against Judge Greenan because the alleged refusal to recuse, denial of accommodations, and allegedly biased rulings were acts undertaken in his judicial capacity and were not alleged to have occurred in the complete absence of jurisdiction.
2. Section 1983 bars claims for injunctive relief against a judicial officer unless a declaratory decree was violated or declaratory relief was unavailable; Carter alleged neither exception.
3. Carter was granted leave to amend because the court did not conclude that amendment would necessarily be futile, although any amended complaint must comply with Rules 8 and 10 and contain allegations capable of overcoming the identified immunity defect.

KEY QUOTATIONS

“The complaint alleges acts undertaken by Judge Greenan that fall within his function as a judge.”

“Carter’s allegations of bias and disability discrimination do not overcome judicial immunity because Judge Greenan’s rulings on Carter’s motions are “acts arising out of, or related to” the underlying case.”

FACTUAL BACKGROUND

Carter brought prior proceedings against her landlord alleging civil rights and statutory violations. Judge Gerald Greenan III, an Erie County Supreme Court justice, presided over those proceedings. Carter alleged that Greenan refused to recuse himself despite alleged partiality, denied accommodations related to her mental health condition, and issued biased rulings that deprived her of a fair judicial process. The alleged conduct occurred while Greenan was acting in his capacity as a state judge.

PROCEDURAL HISTORY

Carter previously commenced legal proceedings against her landlord and alleged that Judge Gerald Greenan III presided over those proceedings, refused to recuse himself, denied ADA accommodations, and made biased rulings. She then filed this federal action and moved to proceed in forma pauperis. The court granted IFP status, screened the complaint, dismissed all claims with leave to amend by June 25, 2026, and warned that failure to amend or an election to stand on the complaint would result in dismissal with prejudice.

DISPOSITION

dismissed

CASES CITED

- *Abbas v. Dixon*, 480 F.3d 636, 639 (2d Cir. 2007)
- *Shakur v. Selsky*, 391 F.3d 106, 112 (2d Cir. 2004)
- *Larkin v. Savage*, 318 F.3d 1388, 139 (2d Cir. 2003)
- *Siao-Pao v. Connolly*, 564 F. Supp. 2d 232, 238 (S.D.N.Y. 2008)
- *Jordan v. New York*, No. 21-CV-544-LJV, 2021 WL 3292200, at *1 (W.D.N.Y. Aug. 2, 2021)
- *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000)
- *King v. Simpson*, 189 F.3d 284, 287 (2d Cir. 1999)
- *McEachin v. McGuinnis*, 357 F.3d 197, 200 (2d Cir. 2004)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Shibeshi v. City of New York*, 475 F. App'x 807, 808 (2d Cir. 2012)
- *Hardaway v. Hartford Pub. Works Dep't*, 879 F.3d 486, 489 (2d Cir. 2018)
- *Whalen v. County of Fulton*, 126 F.3d 400, 405 (2d Cir. 1997)
- *Eagleston v. Guido*, 41 F.3d 865, 875-76 (2d Cir. 1994)
- *Sykes v. James*, 13 F.3d 515, 519 (2d Cir. 1998)
- *City of Okla. City v. Tuttle*, 471 U.S. 808, 816 (1985)
- *McKenna v. Wright*, 386 F.3d 432, 487 (2d Cir. 2004)
- *Hernandez v. Keane*, 341 F.3d 137, 144 (2d Cir. 2003)
- *Tangreti v. Bachmann*, 983 F.3d 609, 618 (2d Cir. 2020)
- *Iqbal*, 556 U.S. at 676
- *Mireles v. Waco*, 502 U.S. 9 (1991)
- *Whitnum v. Emons*, No. 3:15-CV-959 (SRU), 2015 WL 5010623, at *2 (D. Conn. Aug. 24, 2015)
- *Bradley v. Fisher*, 80 U.S. 335, 347 (1871)
- *Bliven v. Hunt*, 579 F.3d 204, 209-10 (2d Cir. 2009)
- *Stump v. Sparkman*, 435 U.S. 349, 362 (1978)
- *White v. Renzt*, No. 22-2040, 2023 WL 6205957, at *2 (2d Cir. Sept. 25, 2023)
- *Coppedge v. United States*, 369 U.S. 438 (1962)

