

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Angela Marroccolo v. Michelle Coddington; Unknown Herkimer
County Police Officer; Herkimer County; Lisa Burdick; Kristen
Kruenke; and Ashley Mulliville

Marroccolo · No. 6:24-CV-1091 (GTS/MJK) · Decided January 21, 2026

SUMMARY

The United States District Court for the Northern District of New York adopted a magistrate judge’s Report-Recommendation and dismissed Angela Marroccolo’s Second Amended Complaint. The dismissal was without prejudice to refile in state court because the court determined that subject-matter jurisdiction was lacking, while noting that the claims would alternatively be dismissed with prejudice for failure to state a claim if jurisdiction were found.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Glenn T. Suddaby
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	January 21, 2026
DOCKET	6:24-CV-1091 (GTS/MJK)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report-Recommendation recommending dismissal of Plaintiff's Second Amended Complaint and Plaintiff's objections to that recommendation.
STANDARD OF REVIEW	Specific objections to a magistrate judge's report-recommendation are reviewed de novo under Federal Rule of Civil Procedure 72(b)(2) and 28 U.S.C. § 636(b)(1)(C); portions without specific objections are reviewed for clear error.
PRECEDENTIAL VALUE	nonprecedential district court decision

TOPICS

- subject matter jurisdiction
- civil procedure
- section 1983
- constitutional law

PRACTICE AREAS

civil procedure

civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether the district court should accept and adopt the magistrate judge's Report-Recommendation after reviewing Plaintiff's objections.
2. Whether the action should be dismissed without prejudice because the court lacked subject-matter jurisdiction.
3. Whether dismissal without prejudice permitted Plaintiff to refile the claims in state court within the governing limitations period.

HOLDINGS

1. The district court accepted and adopted the Report-Recommendation in its entirety because the court found no error in the specifically objected-to portions and no clear error in the remaining portions.
2. Because subject-matter jurisdiction was lacking, the court dismissed Plaintiff's claims without prejudice to refiling in state court within the governing limitations period.

KEY QUOTATIONS

“A dismissal for lack of jurisdiction must be without prejudice rather than with prejudice.” (at 2)

“When subject matter jurisdiction is lacking, the district court lacks the power to adjudicate the merits of the case” (at 3)

FACTUAL BACKGROUND

Plaintiff brought a pro se civil rights action against Michelle Coddington, an unknown Herkimer County police officer, Herkimer County, Lisa Burdick, Kristen Kruenke, and Ashley Mulliville. The district court adopted the magistrate judge's factual findings and legal analysis, including findings concerning fraudulent concealment, government obstruction, psychological trauma, and personal involvement. The court determined that subject-matter jurisdiction was lacking.

PROCEDURAL HISTORY

Plaintiff filed a pro se civil rights action and a Second Amended Complaint. Magistrate Judge Mitchell J. Katz issued a Report-Recommendation recommending dismissal. The district court reviewed Plaintiff's objections de novo where specific and for clear error otherwise, accepted and adopted the Report-Recommendation in its entirety, and dismissed the Second Amended Complaint without prejudice to refiling in state court within the governing limitations period.

DISPOSITION

dismissed

CASES CITED

- Mario v. P&C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002)
- Batista v. Walker, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995)
- Miller v. Brightstar Asia, Ltd., 43 F.4th 112, 126 (2d Cir. 2022)
- Green v. Department of Education of City of New York, 16 F.4th 1070, 1074 (2d Cir. 2021)
- Katz v. Donna Karan Co., L.L.C., 872 F.3d 114, 121 (2d Cir. 2017)
- Charles v. Levitt, 716 F. App'x 18, 22 (2d Cir. 2017)
- Vossbrinck v. Accredited Home Lenders, Inc., 773 F.3d 423, 427 (2d Cir. 2014)

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