

APPENDIX

- A. Second Circuit Judgment in 25-2359 showing sanctions based filing bar
- B. Second Circuit Judgment in 25-1870
- C. Second Circuit Judgment in 24-392
- D. Order Denying Rehearing in 24-392
- E. District Court Judgment in 24-cv-04105

S.D.N.Y. – W.P.
24-cv-7284
Karas, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 23rd day of January, two thousand twenty-six.

Rahul Dev Manchanda,

Petitioner,

v.

25-2359

Douglas Senderoff, Honorable Dakota Ramseur,

Respondents.

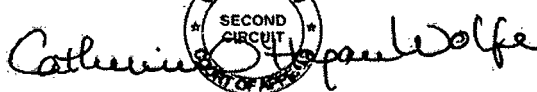
On August 18, 2025, this Court entered a leave-to-file sanction against Petitioner, ordering, *inter alia*, “that the Clerk of Court refuse to accept for filing from the Appellant any future appeal or other proceeding in this Court unless he first obtains leave of the Court to file such appeal or proceeding.” *Manchanda v. Reardon*, 2d Cir. 24-392, Doc. #95 (2d Cir. filed Aug. 18, 2025). Petitioner moves for leave to file this appeal. Upon due consideration, it is hereby ORDERED that the motion is DENIED. The appeal Petitioner now seeks to pursue is “only a continuation of the prior pattern of vexatious filings.” *In re Martin-Trigona*, 9 F.3d 226, 229 (2d Cir. 1993). It does not “depart from [his] past practice[.]” nor does it “present a matter requiring plenary consideration[.]” *Id.*

When this Court entered the leave-to-file sanction against Petitioner, it also sanctioned Petitioner under Federal Rule of Appellate Procedure 38, ordering Petitioner to “pay costs and \$500 each to the State of New York and the federal government.” *Manchanda v. Reardon*, 2d Cir. 24-392, Doc. #95 (2d Cir. filed Aug. 18, 2025). This Court has no record that Petitioner has paid those monetary sanctions.

“To make the sanction effective and thereby protect the processes of a court from abuse, a litigant against whom Rule 38 sanctions have been imposed must comply with those sanctions before being permitted to pursue new matters in that court.” *Schiff v. Simon & Schuster, Inc.*, 766 F.2d 61, 62 (2d Cir. 1985). Accordingly, the Clerk of Court shall not accept any future filings – including motions for leave to file – by Petitioner until Petitioner files verification that the Rule

38 monetary sanctions previously imposed by this Court have been satisfied in full. The Court “need not consider what course would be appropriate in the event that a litigant asserts indigency as the reason for nonpayment of Rule 38 sanctions. [Petitioner] has not made such a claim.” *Id.* at 62 n.2.

FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk of Court




A True Copy

Catherine O’Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit




UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

RAHUL DEV MANCHANDA

Debtor.

RAHUL DEV MANCHANDA,

Appellant,

v.

DOUGLAS M. SENDEROFF, *et al.*

Appellee.

No. 24-CV-7284 (KMK)

ORDER & OPINION

KENNETH M. KARAS, United States District Judge:

Appearances:

Rahul Dev Manchanda
New Rochelle, NY
Pro Se Debtor-Appellant

David D. Lin, Esq.
Lewis and Lin LLC
Brooklyn, NY
Counsel for Appellee Douglas M. Senderoff

Leo V. Gagion, Esq.
NYS Office of The Attorney General
New York, NY
Counsel for Appellee Hon. Dakota Ramseur

KENNETH M. KARAS, United States District Judge:

Debtor Rahul Dev Manchanda (“Appellant”) appeals from an order of the Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) denying a number of

Appellant's motions and granting Appellant Douglas M. Senderoff's motion for a lift of the automatic stay. (*See* Not. of Appeal 1 (Dkt. No. 1).)¹ For the reasons stated below, the appeal is denied, and the Bankruptcy Court's orders are affirmed.

I. Background

Because of the significant overlap between the relevant facts and procedural history, the Court recites both as one narrative. *See Guida v. Fed. Deposit Ins. Corp.*, No. 11-CV-9, 2020 WL 2615924, at *1 (E.D.N.Y. May 21, 2020) (“Where, as here, the procedural history and [] facts are often one in the same or are closely intertwined, the Court will recite them together for purposes of this [appeal].”).

On March 8, 2019, Appellee Senderoff filed a complaint against Appellant in New York state court, alleging that Appellant made a series of false and defamatory statements against him, and asserting claims for defamation, tortious interference, intentional infliction of emotional distress, abuse of process, and malicious prosecution, and seeking a permanent injunction. *See* Complaint, Senderoff v. Manchanda, No. 152538/2019 (N.Y. S. Ct.) (Dkt. No. 1). Appellee Hon. Dakota Ramseur was assigned to the state court action (the “State Court Action”). *See generally* Senderoff v. Manchanda, No. 152538/2019.² On June 2, 2022, Senderoff filed a

¹ Unless otherwise noted, the Court cites to the ECF-stamped page number in the upper right corner of each page. However, insofar as it cites to various court transcripts, the Court cites to the internal page and line numbers.

² In filings with the Bankruptcy Court, Senderoff alleges that Appellant engaged in a number of tactics designed to delay the state court proceedings, including filing multiple appeals, suing multiple judges, removing the case to federal district court, appealing a remand order to the Second Circuit, and filing a petition to the Supreme Court. (*See* Senderoff Mot. 4.)

The Court notes that Appellant has a history of dilatory tactics. *See In re Manchanda*, No. 23-11805, 2025 WL 1374614, at *11–12 (Bankr. S.D.N.Y. May 12, 2025) (imposing a filing injunction on Appellant); *Manchanda v. Attorney Grievance Comm. for the First Judicial Dep't*, No. 23-CV-3356, 2023 WL 3091787, at *2 (S.D.N.Y. Apr. 26, 2023) (noting that Mr.

motion seeking entry of default judgment against Appellant. (*See* Opp. of Dakota Ramseur (“Ramseur Opp.”) at ¶ 4, *In re Manchanda*, No. 23-22095 (Bankr. SDNY) (Dkt. No. 143).) Briefing for the default motion was completed by July 25, 2022. (*See id.*)

On February 4, 2023, Appellant filed for bankruptcy. (*See generally* Ch. 7 Petition, *In re Manchanda*, No. 23-22095 (Bankr. SDNY) (Dkt. No. 1).) On March 7, 2023, Senderoff moved for relief from the Bankruptcy Court’s automatic stay, (*see generally* Mot. for Relief from Automatic Stay (“Senderoff Mot.”) *In re Manchanda*, No. 23-22095 (Bankr. SDNY) (Dkt. No. 12)), which the Bankruptcy Court denied without prejudice, (*see* Apr. 6 Hearing Tr. at 18:8–19:15, *In re Manchanda*, No. 23-22095 (Bankr. SDNY) (Dkt. No. 28)). That same day, Appellant filed a notice of his bankruptcy proceedings in the State Court Action. *See* Bankr. Not, *Senderoff v. Manchanda*, No. 152538/2019 (N.Y. S. Ct.) (Dkt. No. 188). The State Court stayed the State Court Action pending the determination of the bankruptcy case on February 8, 2024. *See* Order Staying Proceedings, *Senderoff v. Manchanda*, No. 152538/2019 (N.Y. S. Ct.) (Dkt. No. 189).

Notwithstanding the stay it ordered, on July 29, 2024, the State Court issued a decision granting Appellee Senderoff’s motion for default judgment (the “Default Opinion”) in the State Court Action. *See* Default Opinion at 18, *Senderoff v. Manchanda*, No. 152538/2019 (N.Y. S. Ct.) (Dkt. No. 193). On August 6, 2024, Appellant filed a Motion for Contempt against Appellee Ramseur in the Bankruptcy Court, arguing that the default judgment violated the automatic stay.

Manchanda has been “warned [of] the continued filing of frivolous or meritless lawsuits would result in an order . . . barring [him] from filing any new action in this Court without prior permission”; *Manchanda v. Matties*, No. 18-CV-11092, 2020 WL 1940668, at *3 (S.D.N.Y. Apr. 22, 2020) (“In recent years, numerous lawsuits brought by [Mr. Manchanda] have been dismissed as frivolous.”) (citing cases); *see id.* (“[Manchanda] has repeatedly been warned that he will be barred from filing suit in this District if he continues to file frivolous actions.”).

(*See* Mot. for Sanctions, *In re Manchanda*, No. 23-22095 (Bankr. SDNY) (Dkt. No. 133).) On August 12, 2024, the State Court vacated the default judgment. *See* Not. of Vacatur, *Senderoff v. Manchanda*, No. 152538/2019 (Dkt. No. 196). On August 13, 2024, Appellant filed a letter with the Bankruptcy Court requesting that it hold Ramseur in the “most ultimate form of contempt” despite the fact that the default judgment had been vacated. (*See* Mot. for Sanctions 1.) Ramseur filed her Opposition on September 5, 2024. (*See* Ramseur Opp.) Appellant filed his Reply on September 6, 2024. (*See* Appellant Rep., *In re Manchanda*, No. 23-22095 (Bankr. SDNY) (Dkt. No. 149).)

Separately, on August 15, 2024, Senderoff moved in the Bankruptcy Court to renew his request for relief from the automatic stay. (*See* Renew Mot. for Relief from Automatic Stay (“Senderoff Mot. II”), *In re Manchanda*, No. 23-22095 (Bankr. SDNY) (Dkt. No. 135).) Appellant filed his Opposition on August 29, 2024. (*See* Appellant Opp. to Mot. for Relief from Stay (“Appellant Opp.”), *In re Manchanda*, No. 23-22095 (Bankr. SDNY) (Dkt. No. 145).)

On September 12, 2024, the Bankruptcy Court held a status conference (the “September Conference”) on these pending motions. (*See* Sept. 12 Status Conf. Tr. (“Sept. 12 Tr.”), *In re Manchanda*, No. 23-22095 (Bankr. SDNY) (Dkt. No. 168).) The Bankruptcy Court denied Appellant’s Motion for Sanctions and his Motions to Implead and granted Senderoff relief from the automatic stay. (*See* Sept. 12. Tr. 16:12–16 (striking impleader motions as “lacking basis in law and fact”) 21:20–22:11 (denying sanctions motion), 31:21–39:13 (granting Senderoff relief from automatic stay).)

Appellant filed this appeal on September 26, 2024. (*See* Not. of Appeal.) On April 22, 2025, the Court ordered Appellant to file his designation of record on appeal and statement of issues to be presented. (*See* Apr. 22, 2025, Order (Dkt. No. 2).) Appellant filed the requisite

documentation, (*see* Dkt. No. 5), and the Clerk of Court designated the record as complete, (*see* Dkt. No. 10). The Court then set an expedited briefing schedule. (*See* Dkt. No. 11.) Appellant filed his appellate brief on August 9, 2025, (*see* Dkt. No. 13); Appellees filed their responses on August 28, 2025, and August 29, 2025, (*see* Dkt. Nos. 14, 16); and Appellant replied on September 2, 2025, (*see* Dkt. Nos. 18, 19).

II. Discussion

A. Standard of Review

District courts have jurisdiction to review final bankruptcy orders. *See* 28 U.S.C. § 158(a)(1) (“The district courts of the United States shall have jurisdiction to hear appeals . . . from final judgments, orders, and decrees . . . of bankruptcy judges . . .” (footnote omitted)); *In re DBSD N. Am., Inc.*, 634 F.3d 79, 88 (2d Cir. 2011) (noting that district courts have jurisdiction to “review all final judgments, orders, and decrees of the bankruptcy courts” (citation omitted)). “[A] bankruptcy judge’s order is final if it completely resolve[s] all of the issues pertaining to a discrete claim, including issues as to the proper relief.” *Pegasus Agency, Inc. v. Grammatikakis (In re Pegasus Agency, Inc.)*, 101 F.3d 882, 885 (2d Cir. 1996) (quotation marks omitted). “This Court may affirm, modify, or reverse a bankruptcy judge’s judgment, order, or decree or remand with instructions for further proceedings.” *In re DeFlora Lake Dev. Assocs., Inc.*, 629 B.R. 354, 358 (S.D.N.Y. 2021) (quotation marks omitted) (quoting *In re Bernard L. Madoff Inv. Sec., LLC*, No. 15-CV-1151, 2016 WL 183492, at *8 (S.D.N.Y. Jan. 14, 2016)).

In general, “[a] district court reviews a bankruptcy court’s factual findings for clear error and its legal conclusions de novo.” *See In re Fogarty*, No. 18-CV-3324, 2020 WL 13442114, at *2 (E.D.N.Y. July 1, 2020) (citing *In re Bonnanzio*, 91 F.3d 296, 300 (2d Cir. 1996)), *aff’d in relevant part and remanded*, 39 F.4th 62 (2d Cir. 2022). However, the Court will review the

Bankruptcy Court's decision to lift the automatic stay for abuse of discretion. *See Boissard v. Specialized Loan Servicing, LLC*, No. 19-CV-4280, 2020 WL 9815999, at *3 (E.D.N.Y. Sept. 25, 2020) (collecting cases); *Osuji v. Deutsche Bank, N.A.*, 589 B.R. 502, 507 (E.D.N.Y. 2018) (reviewing decision to lift automatic stay for abuse of discretion).³

B. Analysis

1. Lifting of the Automatic Stay

Upon the request of a “party in interest” and after notice and a hearing has been held, Section 362(d) of the Bankruptcy Code permits a court to “grant relief from the stay . . . such as by terminating, annulling, modifying, or conditioning such stay . . . for cause.” 11 U.S.C. § 362(d). “Cause” may exist when there is a “lack of adequate protection of an interest in property.” 11 U.S.C. § 362(d)(1). “Modifying a stay for cause is an ‘exercise of equitable discretion’ and ‘is reviewed for abuse of discretion.’” *Russo v. Wilmington Sav. Fund Soc’y, FSB*, No. 23-CV-8275, 2025 WL 788932, at *6 (E.D.N.Y. Mar. 12, 2025) (quoting *In re Salander-O’Reilly Galleries, LLC*, 475 B.R. 9, 19 (S.D.N.Y. 2012)). “In reviewing a bankruptcy court’s grant of relief from an automatic stay under section 362(d)(1), the district court considers

³ Ordinarily, where a Debtor-Appellant appeals pro se, the Court is “required to construe [the] pleadings ‘liberally to raise the strongest arguments that they suggest.’” *In re Mongiello*, No. 24-CV-694, 2025 WL 227807, at *3 (S.D.N.Y. Jan. 17, 2025) (quoting *Amelio v. Piazza*, No. 19-CV-5944, 2020 WL 5535241, at *3 (S.D.N.Y. Sept. 15, 2020)). However, Appellant is a disbarred attorney. *See generally Matter of Manchanda*, 222 N.Y.S.3d 42 (2024) (affirming disbarment by the New York State Attorney Grievance Committee), *appeal dismissed*, 257 N.E.3d 927 (2025). In such a circumstance, the solicitude that is normally afforded to pro se plaintiffs does not apply. *See Mergenthaler v. Zimble*, No. 23-CV-6926, 2025 WL 1358518, at *15 n.9 (E.D.N.Y. Jan. 30, 2025) (“[The] solicitude typically afforded to pro se plaintiffs does not apply to [the plaintiff], a former attorney who has since been disbarred”), *report and recommendation adopted in relevant part*, No. 23-CV-6926, 2025 WL 591125 (E.D.N.Y. Feb. 24, 2025); *see also Zappin v. Comfort*, No. 23-CV-7363, 2024 WL 5001624, at *2 (2d Cir. Dec. 6, 2024) (noting the pro se plaintiff, a former attorney with extensive experience, is not entitled to the “special solicitude” normally extended to pro se litigants).

whether cause exists.” *In re Mongiello*, No. 24-CV-694, 2025 WL 227807, at *4 (S.D.N.Y. Jan. 17, 2025) (quoting *Boissard v. Specialized Loan Servicing, LLC*, No. 19-CV-4280, 2020 WL 9816005, at *4 (E.D.N.Y. Nov. 24, 2020)). “The term for cause is a broad and flexible concept that must be determined on a case-by-case basis.” *Russo*, 2025 WL 788932, at *7 (alterations adopted) (internal quotation marks and citations omitted) (quoting *Osuji v. Deutsche Bank, N.A.*, 589 B.R. 502, 508 (E.D.N.Y. 2018)).

“When requesting relief from the automatic stay for cause, ‘[t]he movant must make an initial showing of cause, and then the burden shifts to the party opposing the motion to prove that it is entitled to the continued protections of the automatic stay.’” *In re Mongiello*, 2025 WL 227807, at *5 (quoting *In re Great Atl. & Pac. Tea Co.*, 467 B.R. 44, 55 (S.D.N.Y. 2012), *aff’d sub nom. Grocery Haulers, Inc. v. Great Atl. & Pac. Tea Co.*, 508 F. App’x 63 (2d Cir. 2013)).

“In addition, to determine whether cause exists to permit litigation against the debtor to continue in another court, the Court considers the non-exclusive list of factors . . . set forth by the Second Circuit in *In re Sonnax Industries, Inc.*” *Id.* (quoting *Boissard*, 2020 WL 9816005, at *4). The *Sonnax* factors include:

- (1) whether relief would result in a partial or complete resolution of the issues;
- (2) lack of any connection with or interference with the bankruptcy case;
- (3) whether the other proceeding involves the debtor as a fiduciary;
- (4) whether a specialized tribunal with the necessary expertise has been established to hear the cause of action;
- (5) whether the debtor’s insurer has assumed full responsibility for defending it;
- (6) whether the action primarily involves third parties;
- (7) whether litigation in another forum would prejudice the interests of other creditors;
- (8) whether the judgment claim arising from the other action is subject to equitable subordination;
- (9) whether movant’s success in the other proceeding would result in a judicial lien avoidable by the debtor;
- (10) the interests of judicial economy and the expeditious and economical resolution of litigation;
- (11) whether the parties are ready for trial in the other proceeding; and
- (12) impact of the stay on the parties and the balance of harms.

In re Sonnax Indus., Inc., 907 F.2d 1280, 1286 (2d Cir. 1990). “A reviewing court has wide discretion to apply the *Sonnax* factors as it sees fit based on the ‘facts underlying a given

motion.” *Boissard*, 2020 WL 9816005, at *5; *see also Musso v. Hirsch*, Nos. 08-CV-4735, 08-CV-4532, 2011 WL 4543225, at *6 (E.D.N.Y. Sept. 29, 2011) (“The list is non-exclusive and a court need not consider each factor in every case or give each factor the same weight.”).

During the September Conference, the Bankruptcy Court applied the *Sonnax* factors in deciding whether relief from the stay was appropriate. (*See* Sept. 12 Tr. 32:18–34:15.) The Bankruptcy Court determined that relief was appropriate in this case because resolution of the State Court Action (except as to dischargeability) could partially or completely resolve the issues before the Bankruptcy Court. (*See id.* 34:16–37:21.) In support of its conclusion, the Bankruptcy Court noted that the Chapter 7 proceedings had dragged on for an inordinate amount of time. (*See id.* 34:16–35:9.) The Bankruptcy Court also noted that Senderoff had agreed that the stay would be lifted only for purposes of determining liability, rather than execution of any judgment obtained. (*See id.* 37:13–16.) Considering these factors, the Bankruptcy Court granted Senderoff relief from the stay to obtain judgment in the State Court Action. (*See id.* 38:18–39:2.)

The Court concludes that the Bankruptcy court did not abuse its discretion in reaching this decision. Proceeding with the State Court Action will resolve Senderoff’s substantive claims against Appellant, leading to a partial resolution of the issues in the adversary proceeding. Furthermore, the State Court Action has been pending since 2019, *see generally* *Senderoff v. Manchanda*, No. 152538/2019 (N.Y. S. Ct.), while this Action has been pending for two years without any substantive progress, (*see* Sept. 12 Tr. 34:20–22 (“The case was filed in February of 2023 in a Chapter 7 case, and we are not close to the end yet.”)). And relief is unlikely to interfere with the work of the Bankruptcy Court or the rights of other creditors (as the relief would be limited to determination of liability between the two Parties). (*See id.* 37:13–16.)

These facts suggest relief from the automatic stay was appropriate—or at the very least, not an abuse of discretion. *See In re Mongiello*, 2025 WL 227807, at *5 (upholding relief from stay on appeal where the underlying state claim had been pending for some time, where resolution of the issue would not interfere with the bankruptcy case, and where the debtor had failed to comply with multiple court orders); *In re Residential World Dev., LLC*, No. 24-10793, 2024 WL 4863614, *1–3 (Bankr. W.D.N.Y. Nov. 21, 2024) (concluding that relief from stay was appropriate where, inter alia, the state court action would resolve parties’ claims and counterclaims and where the state court action had been pending for two years); *In re Singe*, No. 23-60637-6, 2023 WL 7211300, at *2 (concluding that relief from a bankruptcy stay was appropriate where conclusion of the underlying state court actions would result in partial resolution of the issues, where the bankruptcy court retained jurisdiction over the dischargeability issues, where other creditors were unlikely to be affected, and where the state court had significant involvement in the outcome of the issues).

For the foregoing reasons, the Court concludes the Bankruptcy Court’s decision did not constitute an abuse of discretion.

2. Denial of Contempt Motion Against Ramseur

Appellant also appeals the Bankruptcy Court’s denial of his Sanctions Motion against Ramseur. (*See* Not. of Appeal 1.) During the September Hearing, the Bankruptcy Court concluded that Ramseur’s default judgment was “void ab initio,” and that there was no evidence that the default judgment was issued in willful violation of the stay. (*See* Sept. 12 Tr. 21:1–3, 21:20–22:11.) Appellant appeared to concede the lack of such evidence at the September Hearing, stating that he would not have filed the motion had Judge Ramseur issued a correction earlier. (*See id.* 21:6–13.)

“Section 362(k) of the Bankruptcy Code directs that, subject to limited exceptions that do not apply here, ‘an individual injured by any willful violation’ of the automatic stay ‘shall recover actual damages, including costs and attorneys’ fees, and, in appropriate circumstances, may recover punitive damages.’” *In re Wood*, No. 24-11718, 2025 WL 1392194, at *6 (Bankr. S.D.N.Y. May 13, 2025) (quoting *In re Resnicow*, No. 24-10354, 2024 WL 1773433, at *6 (Bankr. S.D.N.Y. Apr. 24, 2024) (quoting 11 U.S.C. § 362(k)(1))). “Willfulness in this setting is understood as any deliberate act taken in violation of a stay, which the violator knows to be in existence.” *Id.* (internal quotation marks and citations omitted) (quoting *In re Crawford*, 476 B.R. 83, 86 (S.D.N.Y. 2012)).

“In reviewing a decision of a bankruptcy court, the district court may affirm on any ground supported by the record.” *In re Avianca Holdings S.A.*, No. 21-CV-10118, 2024 WL 4384219, at *4 (S.D.N.Y. Oct. 3, 2024) (citing *Freeman v. J. Reg. Co.*, 452 B.R. 367, 369 (S.D.N.Y. 2010)). Here, the Court concludes that it need not reach the question of whether Ramseur’s order constituted a willful violation of the automatic stay, because Judge Ramseur has absolute immunity for judicial acts, including issuing an opinion.

“The Second Circuit has held that ‘absolute immunity is appropriate for judges in the exercise of their judicial function.’” *McCarra v. Flint*, No. 25-CV-501, 2025 WL 1825559, at *5 (N.D.N.Y. July 1, 2025) (quoting *Tulloch v. Coughlin*, 50 F.3d 114, 116 (2d Cir. 1995)).

“Judicial immunity is overcome in only two circumstances: (1) where the actions were not taken in their judicial capacity; and (2) where the actions, though judicial in nature, were taken in complete absence of all jurisdiction.” *Id.* (citing *Mireles v. Waco*, 502 U.S. 9, 11–12 (1991)).

“The proper analysis for determining whether judicial immunity has been overcome is to address the ‘nature of the act’ rather than the ‘impropriety of the act’ to protect judges from being

deprived of immunity simply because they made an error or unintentionally exceeded their authority.” *Washington v. Pelella*, No. 25-CV-229, 2025 WL 1332888, at *2 (N.D.N.Y. Mar. 28, 2025), *report and recommendation adopted*, No. 25-CV-229, 2025 WL 1243304 (N.D.N.Y. Apr. 30, 2025).

Appellant has failed to show that either exception applies in this case. First, Appellant’s claim against Judge Ramseur is based on the issuance of a default judgment, a decision made in her role as the presiding judge in the State Court Action. *See Hunter v. McMahon*, 751 F. Supp. 3d 246, 253 (W.D.N.Y. 2024) (“[A]cts arising out of, or related to, individual cases before [a] judge [generally] are considered judicial in nature.” (citation omitted)); *Evans v. Adams*, 714 F. Supp. 3d 119, 126 (E.D.N.Y. 2024) (concluding that the challenged action was a “judicial act” where the “allegations against [the judge arose] from orders she issued in her judicial capacity while presiding over proceedings involving [the plaintiff]”).

Second, Judge Ramseur’s actions were not taken “in absence of all jurisdiction.” Courts that have considered the issue have found that an automatic bankruptcy stay does not divest the court of all jurisdiction, and therefore that the violation of an automatic bankruptcy stay is not an act taken in absence of all jurisdiction. *See Agrawal v. Courts of Oklahoma*, 764 Fed. Appx. 809, 811 (10th Cir. 2019) (“[A]n automatic bankruptcy stay did not deprive Judge Ogden of subject-matter jurisdiction, broadly construed, over the state-court case. Thus, even were Judge Ogden to take action in violation of the stay, his act would not be in clear absence of all jurisdiction, and he would therefore still be immune from suit.”); *Matter of Chaban*, No. 14-CV-14559, 2015 WL 5026079, at *4 (E.D. Mich. Aug. 25, 2015) (“[E]ven if Judge Borman had violated the stay, she merely would have acted in excess of jurisdiction and her immunity would remain intact. A number of decisions from across the country hold that court officials who

violate the automatic stay remain protected by judicial immunity.”) (citing cases); *Ryan v. Cholakis*, No. 13-CV-1451, 2014 WL 803776, at *2 (N.D.N.Y. Feb. 25, 2014) (“[F]or the purpose of judicial immunity, there is a critical difference between a judicial act taken in *excess* of jurisdiction and a judicial act take in the clear *absence* of jurisdiction. Generally, violating a stay, in and of itself, does not appear to be an act in the clear absence of jurisdiction.”); *Burton v. Infinity Capital Mgmt.*, No. 11-CV-1129, 2012 WL 607417 at *11 (D. Nev. Feb. 24, 2012) (“Judge Israel did act in *excess of his jurisdiction* when he attempted to continue the state interpleader case in light of the automatic stay. . . . Nevertheless, immunity protects Judge Israel from acting in excess of his jurisdiction” (emphasis added)); *In re Womack*, 253 B.R. 241, 242–43 (E.D. Ark. 2000) (“Judicial officers . . . are immune from damage suits such as these This rule holds true even where the action seeks damages for violation of the automatic stay.”) (omitting citations)).

For the foregoing reasons, the Court concludes that judicial immunity applies to Judge Ramseur’s default judgment.

III. Conclusion

For the reasons set forth herein, the appeals are denied, and the orders of the Bankruptcy Court are affirmed.⁴ The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

Dated: September 24, 2025
White Plains, New York



KENNETH M. KARAS
United States District Judge

⁴ Appellant also appears to challenge the Bankruptcy Court's failure to "consider" his counterclaims and motions for impleader of various parties relevant to his underlying State Court Action (*See* Not. of Appeal 1.) However, as Judge Lane held, motions related to the underlying substantive dispute between the Parties are before the State Court, rather than the Bankruptcy Court. (*See* Sept. 12 Tr. 37:1-7, 56:3-57:8.) The adversary proceeding involving Appellant and Senderoff relates only to dischargeability, not the underlying substantive claims. (*See* Motion to Amend, Ex. A ("Amended Complaint") at ¶¶ 52-62, *Senderoff v. Manchanda*, No. 23-7008 (Bankr. SDNY) (Dkt. No. 22-1) (asserting a single cause of action: non-dischargeability).)

S.D.N.Y. – N.Y.C.
25-cv-3935
Oetken, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 18th day of December, two thousand twenty-five.

Present:

Dennis Jacobs,
José A. Cabranes,
Raymond J. Lohier, Jr.,
Circuit Judges.

Rahul Dev Manchanda,

Plaintiff-Appellant,

v.

25-1870

Attorney Grievance Committee for the First Judicial
Department, et al.,



Defendants-Appellees.

Appellant, pro se, moves for a default judgment, expedited consideration, reinstatement of his law license, and for this Court to take judicial notice of “systematic retaliation and institutional clustering,” and “a pattern of procedural delay, docket manipulation, and administrative interference.” Upon due consideration, it is hereby ORDERED that the motions for a default judgment and judicial notice are DENIED. *See Int’l Star Class Yacht Racing Ass’n v. Tommy Hilfiger U.S.A., Inc.*, 146 F.3d 66, 70 (2d Cir. 1998).

It is further ORDERED that the appeal is DISMISSED because it “lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Pillay v. INS*, 45 F.3d 14, 17 (2d Cir. 1995) (per curiam). The remaining motions are DENIED as moot.

We note that in August 2025, this Court imposed a leave-to-file sanction on Appellant, but he filed this appeal before that sanction was imposed.

FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAHUL DEV MANCHANDA,
Plaintiff,

-v-

ATTORNEY GRIEVANCE
COMMITTEE 1ST DEP'T, *et al.*,
Defendants.

25-CV-3935 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Plaintiff Rahul Dev Manchanda seeks leave to file yet another action challenging his disbarment from the New York bar. (ECF No. 1 (“Compl.”) at 8-9.) Manchanda is subject to a filing injunction in this District, *see Manchanda v. Walsh*, No. 23-CV-7637, 2024 WL 455204, at *8 (S.D.N.Y. Feb. 5, 2024), so he must first comply with the procedural requirements issued by Judge Buchwald to proceed with this action. Because Manchanda has failed to abide by the terms of Judge Buchwald’s injunction, because this Court lacks subject matter jurisdiction to relitigate Manchanda’s grievances, and because Manchanda’s purported new claims have no valid legal basis, the Court declines to re-open this case or grant leave to Manchanda to pursue yet another vexatious action against the same Defendants over the same issue.

First, even beyond the violations of the filing injunction Manchanda now purports to “cure” (*see* ECF Nos. 29, 30, 33, 34, 35), Manchanda has also violated Judge Buchwald’s command that:

prior to receiving permission from the Court, Rahul Manchanda shall not serve any documents or motions. Failure to comply with the requirements set forth above will be grounds for summary dismissal of the proposed action. Unless and until leave from the Court is obtained, any document or motion served by Rahul Manchanda is a separately sanctionable nullity and no party need file a response thereto

(No. 23-CV-7637, ECF No. 56 at 2-3.) Although this case was transferred to the Southern District of New York on May 12, 2025 (ECF No. 7), Manchanda conceded in writing that he was aware that the filing injunction applied in this District (ECF No. 11 at 1), and he still purported to serve Defendants, through counsel, with a letter on May 15, 2025 (ECF No. 12). Subsequently, on June 3, 2025, Manchanda filed on the docket a document entitled “Proof of Service,” indicating that he purportedly served the Attorney Grievance Committee, First Judicial Department (“AGC”), and the New York Supreme Court, First Department. (ECF No. 28.) Both actions violated Judge Buchwald’s express prohibition on service of “any document or motion” without permission of the court. (No. 23-CV-7637, ECF No. 56 at 2.) These grounds alone warrant summary dismissal of this action. (*Id.*)

Second, to the extent that Manchanda is asking the Court to review and overturn the decision of the AGC and the appellate state court that reviewed the AGC’s decision, the Court lacks the subject matter jurisdiction to do so pursuant to the *Rooker-Feldman* doctrine. *See Hoblock v. Albany Cnty. Bd. of Elections*, 422 F.3d 77, 84-85 (2d. Cir. 2005) (“*Rooker and Feldman* thus established the clear principle that federal district courts lack jurisdiction over suits that are, in substance, appeals from state-court judgments.”). The First Department affirmed the AGC’s decision to disbar Manchanda on the grounds that he used “unacceptably bigoted language in state and federal courts,” “divulged privileged information when responding to clients’ complaints about him online,” and “repeatedly made meritless, frivolous, and vexatious arguments well beyond the point at which he should have known better,” all in violation of the New York Rules of Professional Conduct. *Matter of Manchanda*, 222 N.Y.S.3d 42, 51 (2024), *appeal dismissed*, 43 N.Y.3d 950 (2025). And even though Manchanda now cites several executive orders and federal constitutional concerns that he did not raise in state court, “[j]ust

presenting in federal court a legal theory not raised in state court, however, cannot insulate a federal plaintiff's suit from *Rooker-Feldman* if the federal suit nonetheless complains of injury from a state-court judgment and seeks to have that state-court judgment reversed." *Hoblock*, 422 F.3d at 86.

Third, the "Five Presidential Executive Orders/Actions/Proclamations" that Manchanda now cites as new bases for his same claims (*see* Compl. at 1) do not contain private rights of action. "Generally, there is no private right of action to enforce obligations imposed on executive branch officials by executive orders." *Zhang v. Slattery*, 55 F.3d 732, 747 (2d Cir. 1995) (quotation marks omitted). Indeed, these executive orders all contain explicit language clarifying that they do not create a private right of action against the federal government.¹ And certainly there is no indication in a federal executive order directed at federal executive branch employees that a private citizen could enforce the order against state employees on a state agency board.

Finally, upon review of Manchanda's proposed complaint, it is clear that this lawsuit is yet another vexatious and frivolous filing that follows his pattern in this District and elsewhere. *See, e.g., Walsh*, No. 2024 WL 455204, at *7-8; *Manchanda v. Reardon*, No. 23-CV-9292, 2024 WL 382116 (S.D.N.Y. Feb. 1, 2024), *appeal dismissed*, No. 24-392, 2024 WL 4196867 (2d Cir. Aug. 14, 2024), *cert. denied*, 145 S. Ct. 548 (2024); *Manchanda v. Att'y Grievance Comm. for*

¹ Exec. Order 14147, "Ending the Weaponization of the Federal Government" (Jan. 20, 2025) ("This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person."); Exec. Order 14148, "Initial Recissions of Harmful Executive Orders and Actions" (Jan. 20, 2025) (same); Exec. Order 14149, "Restoring Freedom of Speech and Ending Federal Censorship" (Jan. 20, 2025) (same); Exec. Order 14151, "Ending Racial and Wasteful Government DEI Programs and Preferencing" (Jan. 20, 2025) (same); Exec. Order 14202, "Eradicating Anti-Christian Bias" (Feb. 6, 2025) (same).

First Jud. Dep't, No. 23-CV-3356, 2023 WL 3091787 (S.D.N.Y. Apr. 26, 2023). Manchanda again rehashes the same grievances he has over his disbarment, and he again takes the opportunity to use offensive and pejorative terms to refer to those who have allegedly wronged him over the years—one of the practices for which he was disbarred in the first place. (*See, e.g.*, Compl. at 11, 17; ECF No. 39 at 2.) The Court declines to permit another frivolous action to continue in this District against the same individuals who Manchanda has continually harassed with such lawsuits over the past few years.

* * *

For all of these reasons, this action is hereby DISMISSED with prejudice. This case is already closed, and it will remain closed. This is the final order in this case.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: July 24, 2025
New York, New York



J. PAUL OETKEN
United States District Judge

S.D.N.Y. – N.Y.C.
23-cv-9292
Cronan, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 18th day of August, two thousand twenty-five.

Present:

Raymond J. Lohier, Jr.,
Joseph F. Bianco,
Alison J. Nathan,
Circuit Judges.

Rahul Dev Manchanda,

Plaintiff-Appellant,

v.

24-392

Abigail Reardon, Attorney Grievance Committee Chief, et al.,

Defendants-Appellees.

This Court ordered Appellant to show cause why the Court should not impose a leave-to-file and a monetary sanction. Having reviewed Appellant's response to that order, we find that the imposition of both sanctions is appropriate.

This Court's procedure for imposing leave-to-file sanctions involves three stages: (1) the Court notifies the litigant that the filing of future frivolous appeals, motions, or other papers could result in sanctions, *see Sassower v. Sansverie*, 885 F.2d 9, 11 (2d Cir. 1989) (per curiam); (2) if the litigant continues to file frivolous appeals, motions, or other papers, the Court orders the litigant to show cause why a leave-to-file sanction order should not issue, *see In re Martin-Trigona*, 9 F.3d 226, 229 (2d Cir. 1993); and (3) if the litigant fails to show why sanctions are not appropriate, the Court issues a sanctions order, *see Gallop v. Cheney*, 667 F.3d 226, 227 (2d Cir. 2012) (per curiam).

We may also impose sanctions under Federal Rule of Appellate Procedure 38, after providing notice and a “reasonable opportunity to respond.”

In March 2022 and April 2023, panels of this Court warned Appellant that “the continued filing of duplicative, vexatious, or clearly meritless appeals, motions, or other papers in this Court could result in the imposition of sanctions, including a leave-to-file sanction that would require Appellant to obtain permission from this Court prior to filing any further submissions in this Court.” 2d Cir. 23-61, doc. 42; *Manchanda v. Senderoff*, No. 21-1909, 2022 WL 1667261, at *1 (2d Cir. Mar. 24, 2022) (unpublished). The March 2022 panel also warned Appellant that the inclusion of racist and anti-Semitic comments in future filings “will result in sanctions.”

In August 2024, we dismissed this appeal as frivolous and ordered Appellant to show cause why a leave-to-file and monetary sanction should not be imposed. 2d Cir. 24-392, doc. 84 (Or.). Appellant has responded. *Id.*, doc. 90.

Appellant’s response fails to show cause why a leave-to-file and monetary sanction should not be imposed. Accordingly, it is hereby ORDERED that the Clerk of Court refuse to accept for filing from the Appellant any future appeal or other proceeding in this Court unless he first obtains leave of the Court to file such appeal or proceeding.

In addition, we conclude that sanctions under Rule 38 are warranted. Two groups of appellees have appeared in this matter: defendants represented by the New York Office of the Attorney General; and the Federal Bureau of Investigation, represented by the United States Attorney’s Office.

It is ORDERED that Appellant pay costs and \$500 each to the State of New York and the federal government.

FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk of Court

A circular seal of the United States Second Circuit Court of Appeals is stamped over the signature. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS".

exhaust his administrative remedies and for failing to state a claim—and provided notice of its intent to dismiss any FTCA claims. *See Manchanda v. Reardon* (“*Manchanda II*”), No. 23 Civ. 9292 (JPC), 2024 WL 259776 (S.D.N.Y. Jan. 2, 2024). Plaintiff responded later that day, defending his claims in this action and requesting the undersigned’s recusal, and again on January 3, 2024, providing more materials trying to show his exhaustion under the FTCA.

Having considered the allegations in the Amended Complaint and all of Plaintiff’s submissions following the Court’s Orders of December 22, 2023 and January 2, 2024, the Court denies Plaintiff’s recusal application, dismisses his federal claims, declines to exercise supplemental jurisdiction over his state law claims, and denies him leave to amend on futility grounds.

I. Procedural History

A. The Amended Complaint

In his Amended Complaint, Plaintiff brings nine causes of action under federal and state law: (1) violations of 42 U.S.C. § 1983 for deprivation of rights under color of law, Dkt. 15 (“Am. Compl.”) ¶¶ 21-22; (2) violations of 42 U.S.C. § 2000ee-1(e) for retaliation, *id.* ¶¶ 23-24; (3) violations of the Electronic Communications Privacy Act (“ECPA”), 18 U.S.C. §§ 2510-2523, *id.* ¶¶ 25-26; (4) violations of the Computer Fraud and Abuse Act (“CFAA”), 18 U.S.C. § 1030, *id.* ¶¶ 27-28; (5) abuse of process, *id.* ¶¶ 29-30; (6) malicious prosecution, *id.* ¶¶ 31-32; (7) computer trespass, *id.* ¶¶ 33-34; (8) conversion of computer data, *id.* ¶¶ 35-36; and (9) judicial bias and prejudice, *id.* ¶¶ 37-38.¹ For each cause of action, Plaintiff seeks “actual and punitive damages in

¹ The Amended Complaint also has a section titled “CRIMINAL ACTS” where Plaintiff alleges violations of 18 U.S.C. § 242, Am. Compl. ¶¶ 10-15, and he alleges elsewhere violations of various statutes that allow for criminal liability, *id.* ¶¶ 3, 5-6, 27-28. In the December 22, 2023 Order, the Court dismissed any claims seeking the criminal prosecution of others for lack of standing. *Manchanda I*, 2023 WL 8879226, at *4. In his responses to the Court’s December 22,

the amount of \$20,000,000.” *Id.* ¶¶ 22, 24, 26, 28, 30, 32, 34, 36, 38. Plaintiff names as Defendants Abigail Reardon, Esq., the Chairwoman of the Attorney Grievance Committee of the New York Supreme Court, Appellate Division, First Department (the “First Department”); Remi Shea, Esq., an attorney with the First Department; Jorge Dopico, Esq., the Chief Attorney of the First Department’s Attorney Grievance Committee; Justice Rolando Acosta, the Presiding Justice of the First Department (Reardon, Shea, Dopico, and Justice Acosta, collectively, the “Individual Defendants”); the New York City Police Department (“NYPD”); and the “NYC Field Office” of the FBI, *id.* at 1.²

As discussed in the Court’s December 22, 2023 Order, the claims in the Amended Complaint appear to arise from Plaintiff’s disciplinary proceedings before the First Department’s Grievance Committee. *Manchanda I*, 2023 WL 8879226, at *2. He alleges such acts as “non-stop malicious prosecution, aggravated harassment, abuse of process, vexatious litigation, forum shopping, judicial corruption, judicial bias, civil and criminal RICO, judicial misconduct, public corruption, unlawful trespassing into computer networks, conversion/theft of computer data, illegal electronic surveillance and wiretapping, committed jointly by codefendants,” Am. Compl. ¶ 3, although he provides scant factual allegations to support these accusations, *see generally id.* He further alleges, again without any allegations to lend factual support, that Defendants

are weaponizing the judicial and legal system, abusing their position and power to remove Plaintiff’s law license of 21 years, “soft kill” the plaintiff on behalf of Jewish Organized Crime, Extremist Jewish Zionist donors, financial contributors,

2023 and January 2, 2024 Orders, Plaintiff now disavows seeking to cause the criminal prosecution of others through this lawsuit. *See* Dkt. 53 (“Dec. 23, 2023 Response”) at 2 (“None of our civil lawsuit complaint claims seek to cause a criminal prosecution, they are simply background information”); Dkt. 57 (“Jan. 2, 2024 Response”) at 1 (“[W]e have told this court countless times that we did not make any claims seeking criminal prosecution, but the court ignores this.”).

² The Amended Complaint does not specify which causes of action are brought against which Defendants, so the Court assumes for purposes of this Opinion and Order that Plaintiff brings each cause of action against all Defendants.

oligarchs, within their orbit and sphere of influence, simply for Plaintiff expressing his political views that go against hardcore extremist Jewish and Zionist domestic and foreign policy.

Id. ¶ 4. With respect to the Individual Defendants, he alleges misconduct arising from Reardon “going after . . . [Plaintiff] and [his] law license and law firm,” *id.* ¶ 19, with the others “aiding and abetting” those efforts, *id.* ¶ 20. Plaintiff’s allegations against the FBI and the NYPD arise from their alleged failure to investigate and prosecute criminal acts against him. *Id.* ¶¶ 20a-20c.

B. The December 22, 2023 Order

On December 22, 2023, the Court *sua sponte* dismissed any claims by Plaintiff that seek to initiate a criminal prosecution of others, as well as any claims against the United States, including the FBI, on sovereign immunity grounds, other than claims brought against the United States under the FTCA. *Manchanda I*, 2023 WL 8879226, at *4-5. The Court further ordered Plaintiff to show cause why he has complied with the FTCA’s mandatory exhaustion requirement. *Id.* at *5. The Court also gave Plaintiff notice of its intent to dismiss his remaining federal claims, as none of them appeared to be legally viable, and provided him an opportunity to be heard on those matters as well. *Id.* at *4-8. The Court also provided Plaintiff notice, as well as an opportunity to be heard, of its intent not to exercise supplemental jurisdiction over his state law claims and to deny him leave to amend. *Id.* at *9. The Court allowed Plaintiff to file a response addressing these issues within fourteen days of the Order, *i.e.*, by January 6, 2024. *Id.* at *10.

C. Plaintiff’s December 23, 2023 Response

Plaintiff filed his response the next day, December 23, 2023. In it, Plaintiff maintained that he had “more than complied with the FTCA requirements of filing claims addressing any and all issues with a relevant government agency,” Dec. 23, 2023 Response at 1, and attached exhibits that he maintained demonstrated his exhaustion, Dkt. 53-1. The December 23, 2023 Response further addressed some of the issues raised in the December 22, 2023 Order, arguing that “there is

no judicial or quasi-judicial immunity for intentional torts or criminal acts proximately resulting in serious personal injury, as is the case here.” Dec. 23, 2023 Response at 2; *accord id.* at 4. Plaintiff’s Response additionally sought to defend the viability of his state law claims, *id.* at 2-3, although he did not address whether the Court should exercise supplemental jurisdiction over them if his federal claims are dismissed, *see generally id.* He also appeared to acknowledge that his claim under 42 U.S.C. § 2000ee-1 is not viable, further stating that he “is willing to forego this as a formal claim.” *Id.* at 3. And Plaintiff contended that he “allege[s] (with evidence) that the FBI, NYPD, and [the Attorney Grievance Committee] worked in tandem, together, to send dangerous and mentally unstable undercovers and informants who committed crimes and intentional torts against plaintiff.” *Id.* Similarly, Plaintiff asserted that “this Court can not [sic] dismiss our claims against co-defendant NYPD when it worked together in tandem with the FBI, [the Attorney Grievance Committee], and enjoyed its federal funding, which is alleged in this lawsuit.” *Id.* at 4.

D. The January 2, 2024 Order

After reviewing Plaintiff’s December 23, 2023 Response, the Court issued an additional Order on January 2, 2024. *Manchanda II*, 2024 WL 259776. In the Order, the Court advised Plaintiff of its intent to dismiss any FTCA claims as it appears from his December 23, 2023 Response that he had not satisfied the FTCA’s administrative exhaustion requirement. *Id.* at *1; *see* 28 U.S.C. § 2675(a); 28 C.F.R. § 14.2(a). The Court further advised Plaintiff that, even had he exhausted, he would not appear to have a viable cause of action against the United States because the decisions of a federal law enforcement agency to investigate and respond to reports of criminal activity are discretionary acts for which a cause of action for monetary relief under the FTCA does not lie. *Manchanda II*, 2024 WL 259776, at *2; *see* 28 U.S.C. § 2680(a). The Court therefore ordered Plaintiff to show cause within fourteen days, *i.e.*, by January 16, 2024, why any

claims against the United States are legally viable and should not be dismissed and, assuming he seeks to replead such claims, why leave to amend should not be denied. *Manchanda II*, 2024 WL 259776, at *2.

E. Plaintiff's January 2 and January 3, 2024 Responses

Plaintiff promptly filed two more responses. First, later in the day on January 2, 2024, Plaintiff filed a submission that primarily continued to maintain that he had satisfied the FTCA's exhaustion requirement. He argued that he had "provided the court with no less than 20 FTCA or equivalent Form 95s which went unanswered for 6 months or more to the Defendants since 2/2021, enclosed in the Exhibits section of our Response Letter dated December 23, 2023." Jan. 2, 2024 Response at 1. Among other arguments, Plaintiff contended that "the court misinterprets emails as the claims/complaints, rather than what they actually were – proof of claims/complaints that were then forwarded to multiple other local, state and federal investigative/law enforcement agencies to also investigate side by side." *Id.* at 2. Plaintiff also maintained that "the court ignores that we also allege intentional torts causing personal injury, not just failure to investigate, as well as sending undercovers and informants who committed intentional torts/criminal acts against us, causing substantial personal injury, not just that the FBI/NYPD refused to investigate crime against us." *Id.* Lastly, explaining that "it appears that Judge John P. Cronan is committing gross judicial misconduct," *id.* at 2, Plaintiff enclosed a judicial misconduct complaint purportedly filed against the undersigned, Dkt. 57-1. Plaintiff further requested that his submission "be construed as a formal Letter of Recusal from this case for bias, incompetence, public corruption, judicial misconduct, etc." Jan. 2, 2024 Response at 2.

Then, on January 3, 2024, Plaintiff filed another response to the January 2, 2024 Order. Dkt. 58 ("Jan. 3, 2024 Response," along with the Dec. 23, 2023 Response and the Jan. 2, 2024

Response, the “Responses”). Explaining that he had conducted “another ‘deep dive,’” Plaintiff submitted what he maintained are “additional complaints which are either Form 95 or equivalent in order to give adequate notice of the targeted parties/agencies about the allegations/subject matter contained therein.” *Id.*; *see* Dkt. 58-1.

II. Judicial Recusal

As noted, Plaintiff attached to his January 2, 2024 Response a judicial misconduct complaint that he purportedly filed against the undersigned, Dkt. 57-1, and requested that his filing “be construed as a formal Letter of Recusal from this case.” Jan. 2, 2024 Response at 2.

Under 28 U.S.C. § 455(a), a judge shall disqualify himself or herself “in any proceeding in which [the judge’s] impartiality might reasonably be questioned.” 28 U.S.C. § 455(a). “This provision governs circumstances that constitute an appearance of partiality, even though actual partiality has not been shown.” *Chase Manhattan Bank v. Affiliated FM Ins. Co.*, 343 F.3d 120, 127 (2d Cir. 2003). “The determination of whether such an appearance has been created is an objective one based on what a reasonable person knowing all the facts would conclude.” *Id.* In addition, under 28 U.S.C. § 455(b)(1), a judge shall disqualify himself or herself where the judge “has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.”

Recusal is not warranted here. A litigant cannot force a judge’s recusal merely by filing a judicial misconduct complaint. *See United States v. Martin-Trigona*, 759 F.2d 1017, 1020-21 (2d Cir. 1985) (explaining after a litigant initiated a new lawsuit against the presiding judge and his wife in state court and then moved to recuse the judge, the judge “properly refus[ed] to recuse himself,” as “to permit a litigant to obtain disqualification, without reasonable grounds, of successive judges in a case would interfere with the administration of justice and that [the plaintiff]’s allegations afforded no basis for an inference that the judge’s remaining in the case

would create even an appearance of impropriety”); *Kampfer v. Gokey*, 175 F.3d 1008, 1999 WL 97234, at *1 (2d Cir. 1999) (unpublished) (affirming the district judge’s denial of the plaintiffs’ motion to recuse because, *inter alia*, the “plaintiffs had filed a judicial misconduct complaint against him,” explaining that a litigant cannot “force a judge’s recusal merely by filing suit against him or her” (citing *Martin-Trigona*, 759 F.2d at 1020-21)); *Penn v. City of New York*, No. 19 Civ. 2106 (JMF), 2019 WL 2085135, at *1 (S.D.N.Y. May 13, 2019) (“It is well settled that a party may not procure a judge’s recusal merely by suing the judge.”). Nor has Plaintiff provided any basis for the undersigned to recuse from presiding over this case. Pointing out possible deficiencies in a pleading that may require dismissal, and giving a party the opportunity to address those issues, hardly reflects a judge’s “bias, incompetence, [or] public corruption,” or otherwise amounts to “judicial misconduct.” Jan. 2, 2024 Response at 2; *see also LoCascio v. United States*, 473 F.3d 493, 495 (2d Cir. 2007) (“Judicial rulings alone almost never constitute a valid basis for a bias or partiality motion.” (citing *Liteky v. United States*, 510 U.S. 540, 555 (1994))).

III. Dismissal

A. Applicable Law

A district judge has the authority to dismiss a complaint *sua sponte*, even when, as here, the plaintiff has paid the filing fees, if it determines that the action is frivolous, *Fitzgerald v. First E. Seventh Tenants Corp.*, 221 F.3d 362, 363-64 (2d Cir. 2000) (per curiam) (citing *Pillay v. INS*, 45 F.3d 14, 16-17 (2d Cir. 1995) (per curiam) (holding that Court of Appeals has inherent authority to dismiss a frivolous appeal)), or that subject matter jurisdiction is lacking, *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583-84 (1999). A district judge additionally “has the power to dismiss a complaint *sua sponte* for failure to state a claim,” *Leonhard v. United States*, 633 F.2d 599, 609 n.11 (2d Cir. 1980), so long as—as occurred here—the plaintiff is given notice and “an opportunity to be heard,” *Thomas v. Scully*, 943 F.2d 259, 260 (2d Cir. 1991) (per curiam).

To adequately state a claim, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* A complaint’s “[f]actual allegations must be enough to raise a right to relief above the speculative level.” *Twombly*, 550 U.S. at 555. In making this determination, the Court must “accept[] as true the factual allegations in the complaint and draw[] all inferences in the plaintiff’s favor,” *Biro v. Conde Nast*, 807 F.3d 541, 544 (2d Cir. 2015), but it need not “accept as true legal conclusions couched as factual allegations,” *LaFaro v. N.Y. Cardiothoracic Grp., PLLC*, 570 F.3d 471, 475-76 (2d Cir. 2009). “A court may dismiss a claim as ‘factually frivolous’ if the sufficiently well-pleaded facts are ‘clearly baseless’—that is, if they are ‘fanciful,’ ‘fantastic[,]’ or ‘delusional.’” *Gallop v. Cheney*, 642 F.3d 364, 368 (2d Cir. 2011) (quoting *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992)).

Normally, a district court must afford special solicitude to a *pro se* litigant; this special solicitude “most often consists of liberal construction of pleadings, motion papers, and appellate briefs,” as well as a “relaxation of the limitations on the amendment of pleadings.” *Tracy v. Freshwater*, 623 F.3d 90, 101 (2d Cir. 2010). But “the degree of solicitude may be lessened where the particular *pro se* litigant is experienced in litigation and familiar with the procedural setting presented. The ultimate extension of this reasoning is that a lawyer representing himself ordinarily receives no such solicitude at all.” *Id.* at 102 (citation omitted); see *Ye v. N.Y. Bd. of Elections*, No. 20 Civ. 11072 (JPC), 2021 WL 37575, at *3 (S.D.N.Y. Jan. 5, 2021). Plaintiff alleges that he is an attorney in New York City. See, e.g., Am. Compl. ¶¶ 1 (“Plaintiff, at all times relevant hereto, works and owns Manchanda Law Office PLLC, located at 30 Wall Street, 8th Floor, New York,

NY 10005.”), 19 (alleging that Reardon “is abusing her position . . . by going after lawyers who criticize or file lawsuits against her Jewish billionaire oligarch cronies and business contacts, or criticize U.S. foreign policy blindly supporting Israel’s human rights violations against Palestinians and other Muslims/Arabs, *such as undersigned lawyer Rahul Manchanda* and [his] law license and law firm” (emphasis added)); *see also* <https://manchanda-law.com/> (last visited Feb. 1, 2024). Accordingly, Plaintiff’s pleadings are entitled to no special solicitude.

B. Discussion

For reasons that follow, the Court concludes that dismissal is required for each of Plaintiff’s federal causes of action. The Court starts with Plaintiff’s second cause of action, brought under 42 U.S.C. § 2000ee-1, for which there is no private right of action. The Court then turns to Plaintiff’s other claims against each of the Defendants: the FBI (construed to include the United States), the Individual Defendants, and the NYPD (construed to include the City of New York).

1. Claims Under 42 U.S.C. § 2000ee-1

The second cause of action alleges that Defendants violated 42 U.S.C. § 2000ee-1, Am. Compl. ¶¶ 23-24, and the Amended Complaint also has another paragraph that quotes Section 2000ee-1, with a heading, “42 U.S. CODE § 2000EE-1. PRIVACY AND CIVIL LIBERTIES OFFICERS,” *id.* ¶ 16. In the December 22, 2023 Order, the Court gave Plaintiff notice of its intent to dismiss the second cause of action for failure to state a claim. *Manchanda I*, 2023 WL 8879226, at *4. In his December 23, 2023 Response, Plaintiff seems to concede that he does not have a viable claim under Section 2000ee-1 and withdraws the second cause of action. *See* Dec. 23, 2023 Response at 3 (“Regarding the claim mentioning 42 U.S.C. § 2000ee-1, we recognize that recently the statute was clarified to not provide a right to private action, however we only focused on the ‘retaliation’ aspect of this statute for filing civil rights complaints with ICE/DHS, which we did

here, and also experienced from the defendants . . . and plaintiff is willing to forgo this as a formal claim[.]”).

Indeed, as Plaintiff has been made aware by another judge in this District, there is no private right of action under 42 U.S.C. § 2000ee-1. *See Manchanda v. Lewis*, No. 20 Civ. 1773 (GBD) (RWL), 2021 WL 746212, at *7 (S.D.N.Y. Feb. 23, 2021), *report & recommendation adopted by* 2021 WL 1192083 (S.D.N.Y. Mar. 30, 2021), *aff'd*, No. 21-1088-cv, 2021 WL 5986877 (2d Cir. Dec. 17, 2021) (summary order), *cert. denied*, 143 S. Ct. 96 (2022); *see Muzumala v. Mayorkas*, No. 22 Civ. 3789 (JGK), 2022 WL 2916610, at *4 (S.D.N.Y. July 22, 2022). The second cause of action is therefore dismissed.

2. Claims Against the FBI and the United States of America

In the Court’s December 22, 2023 Order, the Court dismissed all claims against the FBI, because to the extent the FTCA’s waiver of sovereign immunity might apply in this case, the proper defendant would be the United States, not the FBI. *Manchanda I*, 2023 WL 8879226, at *4; *see Robinson v. Overseas Mil. Sales Corp.*, 21 F.3d 502, 510 (2d Cir. 1994); *Mignogna v. Sair Aviation, Inc.*, 937 F.2d 37, 40 (2d Cir. 1991). Further, the Court explained that sovereign immunity bars Plaintiff from proceeding against the United States under the federal statutes that he has pleaded, specifically, 42 U.S.C. § 1983 (first cause of action), the EPCA (third cause of action), and the CFAA (fourth cause of action). *Manchanda I*, 2023 WL 8879226, at *5.³ And to the extent the Amended Complaint’s citation to civil RICO provisions, Am. Compl. ¶ 3, suggest that he seeks to proceed under that statute, Congress also has not waived sovereign immunity there either.

³ Further, as noted at *supra* III.B.1, there is no private right of action under 42 U.S.C. § 2000ee-1 (second cause of action), so that statute necessarily does not waive the United States’s sovereign immunity.

Manchanda I, 2023 WL 8879226, at *5. The Court therefore also dismissed all such claims against the United States. *Id.*

As the Court explained in the December 22, 2023 Order, to the extent Plaintiff's reliance on Section 1983 and state tort law suggests that he seeks to bring tort claims against the United States, such claims may only be potentially viable under the FTCA's partial waiver of sovereign immunity. *Id.* A jurisdictional condition of the FTCA's waiver is administrative exhaustion: a plaintiff must "have first presented the claim to the appropriate Federal agency." 28 U.S.C. § 2675(a). This requires a plaintiff to have submitted "an executed Standard Form 95 or other written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to or loss of property, personal injury, or death alleged to have occurred by reason of the incident." 28 C.F.R. § 14.2(a). Only after the agency denies that claim, or fails to respond within six months, may a plaintiff initiate a federal action under the FTCA. 28 U.S.C. § 2675(a); *see Celestine v. Mount Vernon Neighborhood Health Ctr.*, 403 F.3d 76, 82 (2d Cir. 2005) ("The FTCA requires that a claimant exhaust all administrative remedies before filing a complaint in federal district court. This requirement is jurisdictional and cannot be waived." (citing *McNeil v. United States*, 508 U.S. 106, 113 (1993))); *accord Rivera v. Morris Heights Health Ctr.*, No. 05 Civ. 10154 (SHS), 2006 WL 345855, at *3 (S.D.N.Y. Feb. 14, 2006); *Matthias v. United States*, 475 F. Supp. 3d 125, 135 (E.D.N.Y. 2020). Moreover, even if administrative exhaustion is satisfied, the FTCA is a limited waiver of sovereign immunity that does not extend to all possible torts that a plaintiff may bring. *See Cangemi v. United States*, 13 F.4th 115, 130 (2d Cir. 2021) ("But the FTCA is limited by a number of exceptions, including the so-called 'discretionary function exception,' which bars '[a]ny claim . . . based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a federal agency or an employee of the

Government, whether or not the discretion involved be abused.” (quoting 28 U.S.C. § 2680(a)) (alterations in original)).

The Court advised in its December 22, 2023 Order that Plaintiff failed to sufficiently allege exhaustion and gave Plaintiff the opportunity to address that issue. *Manchanda I*, 2023 WL 8879226, at *5. Plaintiff’s December 23, 2023 Response did not cure this deficiency. He attached two copies of a Standard Form 95, which lists Plaintiff as the claimant and the FBI as the federal agency, is dated November 3, 2023, and alleges an injury that occurred on that same date. Dkt. 53-1 at 1-2; *id.* at 74-75 (same). But this action had been commenced two weeks earlier on October 21, 2023. Dkt. 1. “Because the exhaustion requirement is jurisdictional, a court lacks subject matter jurisdiction where a suit is initiated on a FTCA claim before the agency makes a final determination on the claim.” *Pryce v. United States*, No. 21 Civ. 1698 (KPF), 2022 WL 3155842, at *9 (S.D.N.Y. Aug. 8, 2022) (citing 28 U.S.C. § 2675(a); *McNeil*, 508 U.S. at 113). Similarly, Plaintiff provided what appear to be complaints he filed with the Department of Justice’s Office of Professional Responsibility (“OPR”) against the “NYC FBI FIELD OFFICE,” which alleges an incident occurring on November 3, 2023, Dkt 53-1 at 59-63, and against an FBI agent, which alleges ties of a matrimonial judge to another attorney “based on local Jewish Organized Crime,” resulting in an injury occurring on December 11, 2023, *id.* at 64-66. In addition to the fact that these OPR complaints apparently were filed after the commencement of this action, neither complaint amounts to a “written notification of an incident, accompanied by a claim for money damages in a sum certain.” 28 C.F.R. § 14.2(a). The latter in fact appears to have nothing at all to do with this case. Plaintiff additionally included numerous emails apparently addressed to various government agencies, including emails to accounts ending in “fbi.gov” and others that appear to be addressed to state and city agencies, with many making allegations about certain

Defendants in this case, *e.g.*, Dkt. 53-1 at 3-54; a personal injury claim apparently filed with the New York City Comptroller alleging injury because the FBI did not assist when he was a crime victim, *id.* at 67-73; and other complaints apparently filed with OPR regarding an FBI agent for targeting him, *id.* at 51-54, and regarding an attorney for the United States, *id.* at 55-58. These communications also do not amount to “written notification of an incident, accompanied by a claim for money damages in a sum certain” received by “a Federal agency.” 28 C.F.R. § 14.2(a).

After the Court gave Plaintiff notice in the January 2, 2024 Order that the materials he provided did not seem to establish exhaustion under the FTCA, Plaintiff provided additional submissions on January 3, 2024 after doing “another ‘deep dive.’” Jan. 3, 2024 Response. The additional submissions also do not establish that he has exhausted his administrative remedies under the FTCA with respect to his claims brought in this case; indeed, many of the attachments are not even filings with the federal government. He attached four complaints that filed with the United Nations Human Rights Council, Dkt. 58-1 at 18-27, 45-50, and an “Employment Discrimination Complaint” filed with the New York State Division of Human Rights, *id.* at 33-41. Plaintiff also included more emails sent to addresses that would seem consistent with accounts at the FBI, the NYPD, and the New York Attorney General’s Office, in which he complains of cyberstalking, *id.* at 3-4, and requests an investigation of the First Department’s Attorney Grievance Committee, *id.* at 13-17. He attached complaints filed with the Department of Justice, to include a Civilian Complaint filed with the United States Attorney’s Office naming Dopico and accusing the First Department’s Attorney Grievance Committee of improperly investigating and harassing him, *id.* at 1-2, and a report to the Department of Justice’s Civil Rights Division naming the New York County Lawyers Association’s Fee Dispute Committee and alleging “an institutionally racist and discriminatory environment for minority attorneys,” *id.* at 42-44. And

while Plaintiff attached copies of four additional Form 95s, none of them concern allegations relating to claims against the federal government in the Amended Complaint, *i.e.*, an alleged failure to investigate criminal activity. Rather, those Form 95s concern the rejection of Plaintiff's judicial complaints, *id.* at 5-8, his complaints about not receiving a fair hearing apparently because of the constitution of the panel for a Second Circuit appeal, *id.* at 9-10, his allegations of statements made by an FBI agent who called Plaintiff in connection with an investigation, *id.* at 11-12, and his allegations of misconduct and behavior by someone, including accusations that Plaintiff was targeted by Jewish organized crime, and request for an investigation, *id.* at 28-32. None of these submissions satisfy the FTCA's exhaustion requirement under 28 U.S.C. § 2675(a) and 28 C.F.R. § 14.2(a) with respect to Plaintiff's claims against the federal government in the Amended Complaint.

But even if Plaintiff were to satisfy the FTCA's exhaustion requirement, he lacks a viable cause of action against the United States. In the Standard Form 95, attached to the December 23, 2023 Response, Plaintiff wrote:

As I have reported in other state and federal lawsuits, as well as current SDNY lawsuit case index no 23-CV-9292, for the past 21 years, the FBI NYC Field Office or FBI IC3 has virtually never provided assistance, protection, or guidance to undersigned when he was a victim of serious crime, including but not limited to death threats, extortion, blackmail, aggravated harassment, and other crimes by organized crime or individual criminals, most notably [J]ewish organized crime, that is the subject of this lawsuit. In fact most times the NYC Field Office and NYPD First Precinct would turn on undersigned when he (see attached)[.]⁴

⁴ In Plaintiff's December 23, 2023 Response, it was not clear what if anything was "attached" to the Standard Form 95. Another document attached to Plaintiff's December 23, 2023 Response was an OPR complaint against the "NYC FBI FIELD OFFICE," which contained largely identical language, stating that "most times the NYC FBI Field Office and NYPD First Precinct would turn on undersigned when he reported crime, rather than go after the criminals themselves." Dkt. 53-1 at 62.

Dkt. 53-1 at 1. Plaintiff's allegations in the Amended Complaint similarly appear to be based on the FBI's supposed failure to investigate criminal activity and to protect him from harm. *See* Am. Compl. ¶¶ 20a-20f. Yet a federal law enforcement agency's decision to conduct an investigation in response to reports of criminal activity is a discretionary function that is not cognizable under the FTCA. *See* 28 U.S.C. § 2680(a) (excluding from the FTCA's waiver of sovereign immunity "[a]ny claim based upon an act or omission of an employee of the Government, exercising due care, . . . based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a federal agency or an employee of the Government, whether or not the discretion involved be abused"); *Valdez v. United States*, No. 08 Civ. 4424 (RPP), 2009 WL 236549, at *7 (S.D.N.Y. July 31, 2009) (concluding that "decisions about how to conduct investigations fall squarely within the discretionary function exception" to the FTCA); *see also Heckler v. Chaney*, 470 U.S. 821, 831 (1985) ("This Court has recognized on several occasions over many years that an agency's decision not to prosecute or enforce, whether through civil or criminal process, is a decision generally committed to an agency's absolute discretion.").

In his December 23, 2023 Response, Plaintiff contended that he has alleged that the FBI (along with the NYPD and the Attorney Grievance Committee) had undercover agents and informants harm him: "The Court should also be reminded that we allege (with evidence) that the FBI, NYPD, and [the Attorney Grievance Committee] worked in tandem, together, to send dangerous and mentally unstable undercovers and informants who committed crimes and intentional torts against plaintiff[.]" Dec. 23, 2023 Response at 3. And then in his January 2, 2024 Response, Plaintiff similarly contended that "the court ignores that we also allege intentional torts causing personal injury, not just failures to investigate, as well as sending undercovers and informants who committed intentional torts/criminal acts against us, causing substantial personal

injury, not just that the FBI/NYPD refused to investigate crime against us.” Jan. 2, 2024 Response at 2. These allegations are nowhere to be found in the Amended Complaint. *See generally* Am. Compl.; *see, e.g., Campbell v. Columbia Univ.*, No. 22 Civ. 10164 (VSB), 2023 WL 6038024, at *4 (S.D.N.Y. Sept. 15, 2023) (“The Court is limited to consideration of the facts as stated in the complaint, any documents which are attached to the complaint, and any documents which are incorporated by reference into the complaint.” (quotation omitted)). But regardless, the Court need not give weight to such speculative allegations, which, notwithstanding his suggestion that the allegation was “with evidence,” have no factual support in Plaintiff’s allegations. *See Gallop*, 642 F.3d at 368 (“While, as a general matter, [the plaintiff] or any other plaintiff certainly may allege that the most senior members of the United States government conspired to commit acts of terrorism against the United States, the courts have no obligation to entertain pure speculation and conjecture.”).

For all these reasons, subject matter jurisdiction is lacking over any FTCA claims because Plaintiff has failed to exhaust his administrative remedies and, even were Plaintiff to exhaust them, he does not have a viable cause of action against the United States under the FTCA based on the allegations against the federal government in the Amended Complaint. Any claims under the FTCA therefore are dismissed.

3. Federal Claims Against Reardon, Shea, Dopico, and Justice Acosta

Plaintiff seeks \$20 million in damages from the four Individual Defendants—Reardon as the Chairwoman of the First Department’s Attorney Grievance Committee, Shea as an attorney with the First Department, Dopico as the Chief Attorney of the First Department’s Attorney Grievance Committee, and Justice Acosta as the Presiding Justice of the First Department—arising from attorney disciplinary proceedings in the First Department. *E.g.* Am. Compl. ¶ 4 (“As this lawsuit demonstrates, defendants are weaponizing the judicial and legal system, abusing their

position and power to remove Plaintiff's law license of 21 years, 'soft kill' the plaintiff on behalf of Jewish Organized Crime, Extremist Jewish Zionist donors, financial contributors, oligarchs, within their orbit and sphere of influence . . ."). He accuses Reardon of "going after . . . [Plaintiff] and [his] law license and law firm," *id.* ¶ 19, and alleges that Shea, Dopico, and Justice Acosta "have been actively aiding and abetting Abigail Reardon's crazed and ruthless crusade against . . . Plaintiff for many years, breaking numerous laws and ethics along the way," *id.* ¶ 20. There is no allegation of conduct taken by any of these Defendants outside of the scope of their official responsibilities. In the December 22, 2023 Order, the Court provided Plaintiff notice of its intent to dismiss his claims against each of these Individual Defendants on absolute judicial and quasi-judicial immunity. *Manchanda I*, 2023 WL 8879226, at *7. Plaintiff has not provided any basis to establish that any of these individuals can face liability for violations of federal law in this case, citing instead to fanciful allegations of corruption, criminal acts, and tortious conduct that are bereft of any allegations in support. *See, e.g.*, Dec. 23, 2023 Response at 2, 3.

Judges are absolutely immune from suit for damages for actions taken within the scope of their judicial capacity, provided the actions are not taken "in the complete absence of all jurisdiction." *Mireles v. Waco*, 502 U.S. 9, 11-12 (1991) (citations omitted). Generally, "acts arising out of, or related to, individual cases before the judge are considered judicial in nature," *Bliven v. Hunt*, 579 F.3d 204, 210 (2d Cir. 2009), and in regards to such acts, "even allegations of bad faith or malice cannot overcome judicial immunity," *id.* at 209. This is because, "[w]ithout insulation from liability, judges would be subject to harassment and intimidation." *Young v. Selsky*, 41 F.3d 47, 51 (2d Cir. 1994). "[T]he scope of [a] judge's jurisdiction must be construed broadly where the issue is the immunity of the judge." *Stump v. Sparkman*, 435 U.S. 349, 356 (1978).

Based on the allegations in the Amended Complaint, this immunity extends to each of the Individual Defendants. Plaintiff sues Justice Acosta for damages in connection with his acts when presiding over Plaintiff's attorney disciplinary proceedings. New York State judges who preside over attorney disciplinary proceedings have absolute immunity from suits for damages arising out of judicial acts performed in their judicial capacities. *See, e.g., McNamara v. Kaye*, No. 06 Civ. 5169 (DLI), 2008 WL 3836024, at *6 (E.D.N.Y. Aug. 13, 2008) ("A number of plaintiff's claims are directed at the . . . Chief Judge of New York State, the . . . Presiding Justice of the Second Department, and the other judicial officers of the Court of Appeals and the Second Department who were involved in plaintiff's disciplinary proceedings. . . . It is well-settled that judges have absolute immunity from suits for damages arising out of judicial acts performed in their judicial capacities."), *aff'd*, 360 F. App'x 177 (2d Cir. 2009) (summary order); *Bernstein v. New York*, 591 F. Supp. 2d 448, 463 (S.D.N.Y. Aug. 8, 2008) ("Attorney disciplinary proceedings are 'judicial in nature,' so the presiding officers are protected by absolute immunity." (footnote omitted)); *Sassower v. Mangano*, 927 F. Supp. 113, 120 (S.D.N.Y. 1996) ("As a result, Sassower has alleged no basis upon which a fact finder could rationally infer that defendant Judge Mangano and the associate justices of the Second Department acted outside their proper jurisdictional capacities in adjudicating Sassower's disciplinary petition and claims raised in relation thereto, let alone that they acted in the 'clear absence of all jurisdiction.'" (citation omitted)), *aff'd*, 122 F.3d 1057 (2d Cir. 1997) (unpublished opinion).

Turning to the remaining Individual Defendants, Plaintiff seeks damages from Reardon, Shea, and Dopico arising from their efforts to investigate him in connection with attorney disciplinary charges and/or with respect to efforts to prosecute him concerning those charges before the First Department. *See* Am. Compl. ¶¶ 19,20. Staff members of state court attorney

grievance committees, including those serving in such roles as these three individuals, are entitled to quasi-judicial immunity. See e.g., *Neroni v. Cocomma*, 591 F. App'x 28, 30 (2d Cir. 2015) (summary order) (citing *Anonymous v. Ass'n of the Bar of the City of New York*, 515 F.2d 427, 433 (2d Cir. 1975)); *McKeown v. N.Y. State Comm'n on Jud. Conduct*, 377 F. App'x 121, 124 (2d Cir. 2010) (summary order) ("Prosecutors, hearing examiners, and law clerks are eligible for absolute immunity, and those involved in preparing and adjudicating attorney discipline proceedings share analogous roles." (citing, *inter alia*, *Oliva v. Heller*, 839 F.2d 37, 39-40 (2d Cir. 1988))); *Napolitano v. Saltzman*, 315 F. App'x 351, 351-52 (2d Cir. 2009) (summary order) ("Saltzman enjoys absolute immunity for his actions as counsel to the Grievance Committee, which are 'quasi-public adjudicatory [or] prosecutorial' in nature. In receiving the complaints about [an attorney], investigating them, and making recommendations to the Appellate Division, Saltzman was clearly acting within the scope of his jurisdiction. The allegation that he may have violated procedural or ethical rules is irrelevant, as it is the nature of the act and not the impropriety of the act that matters." (citations omitted)); *Feng Li v. Rabner*, No. 15 Civ. 2484 (KBF), 2015 WL 1822795, at *4 (S.D.N.Y. Apr. 22, 2015) ("Because a state grievance committee acts 'as a quasi-judicial body,' its members are entitled to quasi-judicial immunity. Insofar as [the plaintiff] names [grievance committee staff members] for their involvement in the disbarment action, they are entitled to quasi-judicial immunity." (citations omitted)), *aff'd*, 643 F. App'x 57 (2d Cir. 2016) (summary order); *Finn v. Anderson*, No. 12 Civ. 5742 (VB), 2013 WL 12085092, at *9 (S.D.N.Y. Sept. 6, 2013) ("[P]ersons working for Grievance Committees, conducting investigations and proceedings, act in a quasi-judicial capacity. Indeed, . . . counsel to New York State Grievance Committees are included among the others who are afforded absolute quasi-judicial immunity."), *aff'd*, 592 F. App'x 16, 19 (2d Cir. 2014) (summary order) ("This Court has consistently extended

such ‘quasijudicial’ immunity to investigators with attorney grievance committees”); *Weissbrod v. Gonzalez*, No. 13 Civ. 2565 (JMF), 2013 WL 12084506, at *3 (S.D.N.Y. May 2, 2013) (“[B]ecause state bar disciplinary proceedings are clearly judicial in nature, quasi-judicial immunity bars Plaintiff[’]s claims against these members of the First Departmental Disciplinary Committee.” (citations omitted)), *aff’d*, 576 F. App’x 18 (2d Cir. 2014) (summary order); *Thaler v. Casella*, 960 F. Supp. 691, 700 (S.D.N.Y. 1997) (“[M]embers of bar association disciplinary committees are absolutely immune from suit for damages in their individual capacity, since they act in a ‘quasi-public adjudicatory or prosecutorial capacity’ It goes almost without saying that if . . . [the] Chief Counsel to the Grievance Committee is absolutely immune, his law clerk . . . is likewise immune.” (citations omitted)); *Sassower*, 927 F. Supp. at 120-21 (“[B]ecause state bar disciplinary proceedings are clearly judicial in nature, quasi-judicial immunity bars claims against state bar disciplinary committee members . . . and the members of the Grievance Committee.” (footnote and citations omitted)).

The Court acknowledges that Plaintiff has suggested that these Individual Defendants engaged in conduct that is not protected by immunity: “Plaintiff would like to remind this court, that there is no judicial or quasi-judicial immunity for intentional torts or criminal acts proximately resulting in serious personal injury, as is the case here[.]” Dec. 23, 2023 Response at 2; *accord id.* at 4 (similar). He further contended in his Responses that the Attorney Grievance Committee (and presumably the Individual Defendants) “worked in tandem” with the FBI and the NYPD “to send dangerous and mentally unstable undercovers and informants who committed crimes and intentional torts against plaintiff,” *id.* at 3; *accord id.* at 4 (similar), an allegation that is not in the Amended Complaint, *see generally* Am. Compl. The Amended Complaint does allege, however, that Reardon “is abusing her position . . . by going after lawyers,” like Plaintiff, “who criticize or

file lawsuits against her Jewish billionaire oligarch cronies and business contacts, or criticize U.S. foreign policy” as to Israel, and suggests that she is doing so because these unspecified “wealthy Jewish billionaire oligarchs” had “bail[ed] her out financially.” *Id.* ¶ 19. And as to the other three Individual Defendants, he alleges, without any specific factual allegations, that they “have been actively aiding and abetting Abigail Reardon’s crazed and ruthless crusade against undesigned Plaintiff for many years, breaking numerous laws and ethics along the way.” *Id.* ¶ 20. Here too, the Court does not give weight to such fanciful and speculative allegations, which find no support in the Amended Complaint’s factual allegations. *See Gallop*, 642 F.3d at 368.

In sum, because Plaintiff has not made any plausible allegation suggesting that any of these individuals acted outside their judicial or quasi-judicial capacity or lacked jurisdiction when they acted, all federal claims against the Individual Defendants are dismissed as frivolous pursuant to doctrines of absolute judicial and quasi-judicial immunity. *See Montero v. Travis*, 171 F.3d 757, 760 (2d Cir. 1999) (“A complaint will be dismissed as ‘frivolous’ when ‘it is clear that the defendants are immune from suit.’” (quoting *Neitzke v. Williams*, 490 U.S. 319, 327 (1989))); *see also Mills v. Fischer*, 645 F.3d 176, 177 (2d Cir. 2011) (“Any claim dismissed on the ground of absolute judicial immunity is ‘frivolous’ for purposes of [the *in forma pauperis* statute].”).

4. Federal Claims Against the NYPD and the City of New York

In the December 23, 2023 Order, the Court gave Plaintiff notice of its intent to dismiss any claims against the NYPD because, as an agency of the City of New York, the NYPD is not a separate entity that can be sued. *Manchanda I*, 2023 WL 8879226, at *7; *see* N.Y. City Charter ch. 17, § 396 (“[A]ll actions and proceedings for the recovery of penalties for the violation of any law shall be brought in the name of the city of New York and not in that of any agency, except where otherwise provided by law.”); *Jenkins v. City of New York*, 478 F.3d 76, 93 n.19 (2d Cir. 2007); *see also Emerson v. City of New York*, 740 F. Supp. 2d 385, 395 (S.D.N.Y. 2010) (“[A]

plaintiff is generally prohibited from suing a municipal agency.”). In his Responses, Plaintiff offers no argument for why the NYPD is a proper defendant in this case. The Court therefore dismisses his federal claims against the NYPD.

To the extent Plaintiff actually intends to sue the City of New York—which potentially could be a proper defendant—such federal claims are not viable. *See Manchanda I*, 2023 WL 8879226, at *7-8. Liberally construing the Amended Complaint, the Court presumes that Plaintiff’s primary theory for the City’s liability falls under 42 U.S.C. § 1983, which is the statute pleaded in the first cause of action, Am. Compl. ¶¶ 21-22, and concerns the alleged failure of the NYPD to investigate crimes committed against him and to protect him from harm, *see id.* ¶¶ 20a-20d. Section 1983 provides, in relevant part, that “[e]very person who, under color of any statute, ordinance, regulation, custom, or usage, of any State . . . subjects, or causes to be subjected, any citizen . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured.” 42 U.S.C. § 1983. “A municipality or other local government may be liable under this section [1983] if the governmental body itself ‘subjects’ a person to a deprivation of rights or ‘causes’ a person ‘to be subjected’ to such deprivation.” *Connick v. Thompson*, 563 U.S. 51, 60 (2011) (quoting *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658, 692 (1978)); *Cash v. Cnty. of Erie*, 654 F.3d 324, 333 (2d Cir. 2011). In *Monell*, the Supreme Court recognized such municipal liability when “the action that is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body’s officers.” *Monell*, 436 U.S. at 690; *see id.* at 694 (“[I]t is when execution of a government’s policy or custom, whether made by its lawmakers or those whose edicts or acts may fairly be said to represent official policy, inflicts the injury that the government

as an entity is responsible under § 1983.”). A plaintiff may plead facts of a policy or custom by alleging one of the following:

(1) a formal policy officially endorsed by the municipality; (2) actions taken by governmental officials responsible for establishing the municipal policies that caused the particular deprivation in question; (3) a practice so consistent and widespread that, although not expressly authorized, constitutes a custom or usage of which a supervising policymaker must have been aware; or (4) a failure by policymakers to provide adequate training or supervision to subordinates to such an extent that it amounts to deliberate indifference to the rights of those who come into contact with the municipal employees.

Jones v. Westchester Cnty., 182 F. Supp. 3d 134, 158 (S.D.N.Y. 2016) (quoting *Brandon v. City of New York*, 705 F. Supp. 2d 261, 276-77 (S.D.N.Y. 2010)). “Absent such a custom, policy, or usage, a municipality cannot be held liable on a respondeat superior basis for the tort of its employee.” *Jones v. Town of E. Haven*, 691 F.3d 72, 80 (2d Cir. 2012). Further, if there is no underlying constitutional violation, any claim of municipal liability under Section 1983 must fail. *See Segal v. City of New York*, 459 F.3d 207, 219 (2d Cir. 2006).

The Amended Complaint not only is devoid of any allegations to establish the existence of an unconstitutional municipal policy or custom that caused Plaintiff’s injuries, it even lacks allegations that he suffered any violation of a constitutional right. As Plaintiff seems to concede, *see* Am. Compl. ¶ 20d,⁵ there is no federal constitutional duty for a government official to investigate criminal activity or to protect an individual from harm. *See Town of Castle Rock v. Gonzales*, 545 U.S. 748, 755-56 (2005); *DeShaney v. Winnebago Cnty. Dep’t of Soc. Servs.*, 489 U.S. 189, 195-96 (1989); *Gagliardi v. Vill. of Pawling*, 18 F.3d 188, 193 (2d Cir. 1994); *see also Baltas v. Jones*, No. 3:21-CV-469 (MPS), 2021 WL 6125643, at *14 (D. Conn. Dec. 27, 2021) (“[The plaintiff] has no ‘constitutional right to an investigation of any kind by government

⁵ Plaintiff “understand[s] and acknowledges that per several United States Supreme Court decisions, that the NYPD and FBI have ‘no duty to protect’” him. Am. Compl. ¶ 20d.

officials.” (citation omitted)); *Buari v. City of New York*, 530 F. Supp. 3d 356, 389 (S.D.N.Y. 2021) (“[T]here is no constitutional right to an adequate investigation. . . . Accordingly, a failure to investigate is not independently cognizable as a stand-alone claim under Section 1983.” (internal quotation marks and citation omitted)). Two recognized exceptions exist to this general rule: (1) “when the State takes a person into its custody and holds him there against his will, the Constitution imposes upon [the state actor] a corresponding duty to assume some responsibility for his safety and general well-being,” *DeShaney*, 489 U.S. at 199-200; and (2) when a state actor affirmatively creates or increases a danger to the plaintiff, *see, e.g., Matican v. City of New York*, 524 F.3d 151, 155 (2d Cir. 2008). Even if a plaintiff can plead a Section 1983 claim that falls within one of these exceptions, the plaintiff must further show that the state actor’s “behavior was ‘so egregious, so outrageous, that it may fairly be said to shock the contemporary conscience.’” *Id.* (citation omitted). Plaintiff alleges no facts suggesting that either of these two exceptions would apply. *See generally* Am. Compl.

The Court also notes, as it did with respect to the claims against the other Defendants, *see supra* III.B.2, III.B.3, that Plaintiff has contended in his Responses that the NYPD—along with the FBI and the Attorney Grievance Committee—sent “dangerous and mentally unstable undercovers and informants who committed crimes and intentional torts against” him. Dec. 23, 2023 Response at 3; *accord* Jan. 2, 2024 Response at 2 (similar). As noted above, such allegations are nowhere to be found in the Amended Complaint. *See generally* Am. Compl. And here too, the Court need not give weight to such speculative allegations, which lack factual support in Plaintiff’s allegations. *See Gallop*, 642 F.3d at 368.

The Court therefore dismisses, for failure to state a claim, any Section 1983 claim Plaintiff intends to bring against the City of New York. Further, as the Court also previewed in its December

22, 2023 Order, the Amended Complaint contains no allegations that would establish the City's liability under the ECPA, Am. Compl. ¶¶ 25-26, or the CFAA, *id.* ¶¶ 27-28. *See Manchanda I*, 2023 WL 8879226, at *8. Thus, Plaintiff's federal claims against the NYPD and, to the extent he seeks to bring them, against the City are dismissed.

IV. Supplemental Jurisdiction

Having dismissed all of Plaintiff's federal claims, the Court turns to whether it should exercise supplemental jurisdiction over the remaining state law claims.⁶ A district court "may decline to exercise supplemental jurisdiction over [a pendent state law claim] if . . . the district court has dismissed all claims over which it has original jurisdiction." 28 U.S.C. § 1367(c). The statute does not create a "mandatory rule to be applied inflexibly in all cases." *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 n.7 (1988). Nevertheless, the Second Circuit has held that "in the usual case in which all federal-law claims are eliminated before trial, the balance of factors to be considered under the pendent jurisdiction doctrine . . . will point toward declining to exercise jurisdiction over the remaining state-law claims." *Kelsey v. City of New York*, 306 F. App'x 700, 703 (2d Cir. 2009) (quoting *Valencia ex rel. Franco v. Lee*, 316 F.3d 299, 305 (2d Cir. 2003)); *see also Kolari v. N.Y.-Presbyterian Hosp.*, 455 F.3d 118, 123 (2d Cir. 2006) (reversing a district court decision to retain supplemental jurisdiction over state law claims after dismissal of the federal claim, citing "the absence of a clearly articulated federal interest"); *Anderson v. Nat'l Grid, PLC*, 93 F. Supp. 3d 120, 147 (E.D.N.Y. 2015) ("In the interest of comity, the Second Circuit instructs that absent exceptional circumstances, where federal claims can be disposed of pursuant to Rule

⁶ The Amended Complaint does not allege diversity of citizenship for purposes of 28 U.S.C. § 1332, *see* Am. Compl. ¶¶ 1-2, so the Court assumes that Plaintiff is relying on supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a) for his state law claims.

12(b)(6) or summary judgment grounds, courts should abstain from exercising pendent jurisdiction.” (internal quotation marks omitted)).

In its December 22, 2023 Order, the Court also put Plaintiff on notice of its intent to decline to exercise supplemental jurisdiction over his state law claims in the event his federal claims are dismissed. *Manchanda I*, 2023 WL 8879226, at *9. Plaintiff has provided no compelling argument for why the Court should exercise supplemental jurisdiction over his state law claims upon dismissal of the federal claims. Rather, the relevant considerations point strongly in favor of declining supplemental jurisdiction. The case is still in the early stages of litigation, without discovery having yet commenced, and comity dictates that Plaintiff’s state law causes of action are better suited for resolution in state court. *See Cedar Swamp Holdings, Inc. v. Zaman*, 487 F. Supp. 2d 444, 453 n.63 (S.D.N.Y. 2007) (“[A]t early stages in the proceedings, . . . little is to be gained by way of judicial economy from retaining jurisdiction.”).

The Court thus concludes that the balance of the relevant factors points toward declining to exercise supplemental jurisdiction over Plaintiff’s state law claims now that his federal claims are dismissed. Accordingly, the Court declines to exercise supplemental jurisdiction over the Fifth, Sixth, Seventh, Eighth, and Ninth Causes of Action, and dismisses them as well.

V. Leave to Amend

Lastly, although Plaintiff has not sought leave to amend in the event of dismissal, the Court declines to *sua sponte* grant Plaintiff leave to replead his claims. Plaintiff has amended his Complaint once as a matter of course, pursuant to Rule 15(a)(1)(A) of the Federal Rules of Civil Procedure, adding the FBI and the NYPD as Defendants. Rule 15(a)(2) therefore would apply to any further amendment of his Complaint. Under Rule 15(a)(2), a court “should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). When deciding whether to *sua sponte* grant leave to amend, “courts will consider many factors, including undue delay, bad faith or dilatory

motive, repeated failure to cure deficiencies, undue prejudice to the opposing party, and futility.” *Morales v. Kimberly-Clark Corp.*, No. 18 Civ. 7401 (NSR), 2020 WL 2766050, at *9 (S.D.N.Y. May 27, 2020).

In the December 22, 2023 Order, the Court additionally provided Plaintiff with notice of its intent to decline to grant leave to amend the Amended Complaint in the event it dismisses his federal claims and declines to exercise supplemental jurisdiction. *Manchanda I*, 2023 WL 8879226, at *9. Plaintiff has not responded by requesting leave to amend his pleadings, let alone has he provided any arguments for why he should be allowed to do so. Rather, and for reasons discussed above, the Court is of the view that Plaintiff’s federal claims are clearly without merit as they lack any basis in the law. The Court therefore denies him leave to replead these claims on futility grounds. *See Hill v. Curcione*, 657 F.3d 116, 123-24 (2d Cir. 2011); *Lucente v. Int’l Bus. Mach. Corp.*, 310 F.3d 243, 258 (2d Cir. 2002); *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000); *see also Panther Partners Inc. v. Ikanos Commc’ns, Inc.*, 681 F.3d 114, 119 (2d Cir. 2012) (“Futility is a determination, as a matter of law, that proposed amendments would fail to cure prior deficiencies or to state a claim under Rule 12(b)(6) of the Federal Rules of Civil Procedure.”). And without federal claims in this case, there would be no basis for this Court to exercise jurisdiction over Plaintiff’s state claims, *see supra* IV, so repleading them too would be futile.

VI. Conclusion

As another judge in this District recently observed, “Manchanda is not a stranger to this court.” *Manchanda v. Att’y Grievance Comm. for First Jud. Dep’t*, No. 23 Civ. 3356 (JLR), 2023 WL 3091787, at *2 (S.D.N.Y. Apr. 26, 2023). From ECF, it appears that, since 2012, he has filed, as a *pro se* plaintiff, at least fifteen civil actions in this District. One judge of this District warned Plaintiff, almost nine years ago, “that the continued filing of frivolous or meritless lawsuits will result in an order barring Plaintiff from filing any new action in this Court without prior

permission.” *Manchanda v. Bose*, No. 15 Civ. 2313 (VSB) (S.D.N.Y. Apr. 16, 2014), Dkt. 3 at 8-9 (citing 28 U.S.C. § 1651). Less than two years ago, the Second Circuit similarly warned Plaintiff, when he “filed a pro se pleading in [an] appeal that contain[ed] racist and anti-Semitic comments” after “ha[ving] done so in the past,” “that the use of any similar language in future filings in this Court will result in sanctions, regardless of whether the filing is otherwise duplicative, vexatious, or meritless.” *Manchanda v. Senderoff*, No. 21-1909, 2022 WL 167261, at *1 (2d Cir. Mar. 24, 2022) (unpublished). Once again, Plaintiff’s Amended Complaint in this case was not only patently without merit, but also contained offensive and anti-Semitic accusations. This case unfortunately demonstrates that the actions of Plaintiff—an attorney who certainly should know to conduct himself better—have not improved.

For the reasons set forth above, the Court dismisses *sua sponte* Plaintiff’s federal claims (*i.e.*, the First, Second, Third, and Fourth Causes of Action)—without prejudice only to the extent that the Court lacks subject matter jurisdiction, as detailed above, *see supra* III.B.2—declines to exercise supplemental jurisdiction over his state law claims (*i.e.*, the Fifth, Sixth, Seventh, Eighth, and Ninth Causes of Action) and dismisses those claims, and denies Plaintiff leave to amend his Amended Complaint. The Clerk of the Court is respectfully directed to enter judgment in favor of Defendants and to close this case.

SO ORDERED.

Dated: February 1, 2024
New York, New York



JOHN P. CRONAN
United States District Judge

UNITED STATES COURT OF APPEALS
for the
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 19th day of November, two thousand twenty-five,

Present: Raymond J. Lohier, Jr.,
 Joseph F. Bianco,
 Alison J. Nathan,

Circuit Judges.

Rahul Dev Manchanda,

Plaintiff - Appellant,

v.

Abigail Reardon, Attorney Grievance Committee Chief,
Remi Shea, Staff Attorney, Jorge DoPico, Chief Counsel,
Rolando Acosta, Judge, Federal Bureau of Investigation,
New York City Field Office, New York City Police
Department,

Defendants - Appellees.

ORDER

Docket No. 24-392

Appellant Rahul Dev Manchanda filed a motion for reconsideration and the panel that determined the motion has considered the request.

IT IS HEREBY ORDERED, that the motion is denied.

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court

