

Farrah v. City of New Haven, 3:12CV1519

Order re: Defs.' Mot. for Judgement On the Pleadings  
(ECF 54)

Granted in part. The claims under 42 U.S.C. § 1983 are dismissed without prejudice.

Viewed in light of the plaintiffs' memorandum in opposition, the complaint attempts to allege claims under 42 U.S.C. § 1983 based on the Fourth Amendment, specifically:

- "unlawful seizure of the plaintiffs Rommerro Farrah and Albert Farrah"
- "unlawful seizure of the patrons"
- "unlawful search of the business premises" and
- "excessive force"

ECF 65 at 13. These claims will be dismissed without prejudice for the reasons stated below:

Unlawful seizure of the plaintiffs: Albert Farrah is not a named plaintiff. With regard to Rommerro Farrah, the complaint alleges that he was among those "ordered to kneel or sit on the floor while the individual defendants . . . who participated in the raid, marched and strode around the assemblage waving their weapons and threatening to arrest anyone who did not comply with their orders." Accepting these allegations as true, it is reasonable to infer that Rommerro Farrah complied with the officers' order by kneeling or sitting on the floor. In the absence of additional allegations, however, the complaint does not support a plausible conclusion that he was thereby seized in violation of the Fourth Amendment.

Unlawful seizure of the patrons: The plaintiffs do not have standing to assert the Fourth Amendment rights of the patrons.

Unlawful search of the business premises: The complaint does not allege facts permitting a plausible conclusion that the premises were searched in violation of a reasonable expectation of privacy protected by the Fourth Amendment.

