

FEDERAL CIVIL RIGHTS LAWSUIT

42 U.S.C. § 1983 - VIOLATION OF CONSTITUTIONAL RIGHTS

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

MATTHEW RUSSELL LABARRE, Plaintiff,

v.

HON. OLIVER N. BLAISE, III, in his individual and official capacity, BROOME COUNTY CLERK'S OFFICE, JOSHUA T. TERRELL, ESQ., in his individual and official capacity, BROOME COUNTY,

Defendants.

Case No.: [To be assigned]

VERIFIED COMPLAINT FOR VIOLATIONS OF CIVIL RIGHTS

NATURE OF THE ACTION

This is a civil rights action brought pursuant to **42 U.S.C. § 1983** for violations of Plaintiff's rights under the **First Amendment** (freedom of speech, freedom to petition the government), the **Fifth Amendment** (due process), the **Fourteenth Amendment** (due process and equal protection), and the **Americans with Disabilities Act** (42 U.S.C. § 12101 et seq.).

Plaintiff seeks declaratory and injunctive relief, compensatory and punitive damages, and attorneys' fees for Defendants' systematic deprivation of his constitutional rights, including:

1. **Censorship and suppression of speech** through the deliberate alteration of court records to hide the content of Plaintiff's filings
2. **Denial of the right to petition the government** by refusing to accept, process, or rule upon Plaintiff's court filings
3. **Denial of due process** by closing the case and barring further filings without notice or hearing
4. **Denial of equal protection and ADA rights** by refusing reasonable accommodations for Plaintiff's documented disabilities

5. **Evidence tampering** by systematically changing the titles of Plaintiff's court filings to generic "LETTER/CORRESPONDENCE" to obscure their content
-

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to **28 U.S.C. § 1331** (federal question jurisdiction) and **28 U.S.C. § 1343** (civil rights jurisdiction).
 2. Venue is proper in the Northern District of New York pursuant to **28 U.S.C. § 1391(b)** because the events giving rise to this action occurred in Broome County, New York, which is within this judicial district.
-

THE PARTIES

1. **Plaintiff Matthew Russell LaBarre** is an individual residing at 97 Theron Street, Johnson City, New York 13790, within Broome County. Plaintiff is a person with documented disabilities who requires reasonable accommodations to access the courts.
 2. **Defendant Hon. Oliver N. Blaise, III** is a Justice of the New York State Supreme Court, 6th Judicial District, sued in his individual and official capacity. At all relevant times, Defendant Blaise was acting under color of state law.
 3. **Defendant Broome County Clerk's Office** is a governmental entity responsible for maintaining court records and processing court filings in Broome County, New York.
 4. **Defendant Joshua T. Terrell, Esq.** is an Assistant County Attorney for Broome County, sued in his individual and official capacity. At all relevant times, Defendant Terrell was acting under color of state law.
 5. **Defendant Broome County** is a municipal corporation organized under the laws of the State of New York and is responsible for the actions of its employees and agents.
-

FACTUAL ALLEGATIONS

I. Background: The Underlying Article 78 Proceeding

1. On or about [Date], Plaintiff commenced a proceeding pursuant to CPLR Article 78 against the Broome County Clerk's Office and United Health Services Hospitals, Inc. (Index No. EFCA2025001843) to compel the production of medical records related to his involuntary retention under the Mental Hygiene Law.
2. By Order, Judgment and Decision dated September 25, 2025, the court granted Plaintiff's application in part and directed the Broome County Clerk's Office to release

certain records. The court dismissed Plaintiff's claims against UHSH.

3. The court provided Plaintiff with an accommodation: it would accept his filings via email and forward them to the Clerk's Office for processing, for a period of thirty days from service of the Notice of Entry of the September 25, 2025 decision.

II. Plaintiff's Continued Filings: Relevant and Urgent

1. Following the September 25, 2025 decision, Plaintiff filed numerous documents with the court addressing ongoing issues in the case, including:
 - Requests for ADA accommodations
 - Emergency motions for Orders to Show Cause with Temporary Restraining Orders
 - Requests for preservation of evidence
 - Requests for legal name recognition (alias)
 - Evidence of ongoing harassment and financial harm (unauthorized access to accounts)
 - Party alignment issues
2. These filings were directly related to the underlying Article 78 proceeding and Plaintiff's rights as a litigant with disabilities.
3. The NYSCEF docket shows that as of October 13, 2025, the court was processing these filings. For example:
 - **Doc. 162:** "ADA ROUTED FILING UNDER POOR-PERSON (OSC WITH PROPOSED TRO & PRESERVATION)" - Status: **Processed** (10/13/2025)
 - **Doc. 168:** "URGENT FWD RE:MORIARTY REQUEST FOR LEGAL ALIAS" - Status: **Processed** (10/13/2025)
 - **Doc. 172:** "URGENT ESCALATION: UNAUTHORIZED ACCESS TO MARIOTT BONVOY ACCOUNT" - Status: **Processed** (10/13/2025)

III. The Censorship: Systematic Alteration of Court Records

1. **On or about October 15, 2025, Defendants systematically altered the NYSCEF docket to hide the content and nature of Plaintiff's filings.**
2. Documents 175 through 203, all filed on October 15, 2025, are listed on the docket with the **generic and uninformative title:** "OTHER COURT FILED DOCUMENT - LETTER/CORRESPONDENCE."
3. **Upon information and belief, these documents originally had specific, descriptive titles** that identified their content, such as:
 - ADA accommodation requests

- Emergency motions
 - Requests for orders to show cause
 - Evidence submissions
 - Legal arguments and memoranda of law
4. **Defendants deliberately changed these titles to the generic "LETTER/CORRESPONDENCE" to censor Plaintiff's speech and obscure the court record.**
 5. This censorship serves multiple improper purposes:
 - **Hiding the relevance of Plaintiff's filings** to support the false narrative that they were "unrelated to the petition"
 - **Preventing appellate review** by making it impossible for a reviewing court to understand what Plaintiff filed without examining each document individually
 - **Suppressing Plaintiff's speech** by denying him the ability to have his arguments and requests identified and recognized in the public record
 - **Tampering with evidence** by altering the official court record
 6. This is not a mere clerical error. The docket shows that earlier filings (Docs. 162, 168, 172) were given specific, descriptive titles. The sudden shift to generic titles for all of Plaintiff's October 15 filings is a deliberate act of censorship.

IV. The Court's Unlawful Closure Order

1. On October 15, 2025, the same day Defendants altered the docket, Defendant Blaise issued a "Letter, Decision & Order" (Doc. 204) stating:
 - Plaintiff's filings were "abusive" and "unrelated to the petition"
 - The court would "no longer accept, process, or otherwise handle petitioner's submissions in this proceeding"
 - Plaintiff's only recourse was to "pursue an appeal"
2. This order was issued **without notice to Plaintiff and without a hearing**, in violation of due process.
3. The order was based on the false premise that Plaintiff's filings were "unrelated," a premise that could only be maintained by censoring the titles of those filings on the docket.
4. The order effectively declared Plaintiff a "vexatious litigant" without following any of the procedural safeguards required for such a determination under New York or federal law.

V. Coordination Between Defendants

1. On October 14, 2025, the day before the court's closure order, Defendant Terrell sent Plaintiff an email stating:
2. The subject line of Defendant Terrell's email was: "RE: EFCA2025001843 — ADA/ § 504 Policy Modification (LASIK Evaluation) + Party Alignment Addenda (D & E)"
3. **This subject line proves that Plaintiff's filings had specific, descriptive titles related to ADA accommodations and case procedure.**
4. The timing and content of Defendant Terrell's email, followed immediately by Defendant Blaise's closure order and the systematic alteration of the docket, demonstrates **coordination among Defendants to silence Plaintiff and obscure the record.**

VI. Violation of Pro Se Litigant Rights

1. Plaintiff is an unrepresented litigant proceeding *pro se*.
2. Under **22 NYCRR § 202.5-bb(e)(1)**, unrepresented litigants are **exempt from mandatory e-filing** and have the right to file documents in hard copy. The rule explicitly states: "**No such party shall be compelled, directly or indirectly, to participate in e-filing.**"
3. By refusing to accept any further filings from Plaintiff, regardless of format, Defendants have violated this rule and effectively compelled Plaintiff to either abandon his case or file electronically despite his exemption.

VII. ADA Violations

1. Plaintiff has documented disabilities that affect his ability to use computers and navigate complex e-filing systems.
2. Plaintiff requested reasonable accommodations, including the ability to file via alternative methods and assistance with document formatting.
3. Defendants refused these accommodations and mischaracterized Plaintiff's requests (such as a request for computer equipment to facilitate filing) as "unreasonable" and "abusive."
4. The court's blanket refusal to accept any further filings from Plaintiff, regardless of method, constitutes a **failure to provide reasonable accommodations** under the ADA.

VIII. Harm to Plaintiff

1. As a direct and proximate result of Defendants' actions, Plaintiff has suffered:

- **Denial of access to the courts** and inability to pursue his legal claims
 - **Emotional distress, anxiety, and exacerbation of his disability-related symptoms**
 - **Reputational harm** from being labeled "abusive" and "vexatious" in a public court order
 - **Financial harm** from ongoing issues that the court refused to address
 - **Loss of his support animal**, which was seized by an opposing party who felt emboldened by the court's actions against Plaintiff
-

FIRST CAUSE OF ACTION

Violation of First Amendment - Freedom of Speech

(Against All Defendants)

1. Plaintiff repeats and realleges all prior allegations.
 2. The First Amendment protects the right to freedom of speech, including the right to communicate with the government and the courts.
 3. Defendants violated Plaintiff's First Amendment rights by:
 - **Censoring the titles of his court filings** to hide their content
 - **Refusing to accept or process his filings**, thereby preventing him from speaking to the court
 - **Mischaracterizing his speech as "abusive"** to justify silencing him
 4. These actions constitute **content-based and viewpoint-based censorship** that cannot survive strict scrutiny.
 5. Plaintiff has suffered irreparable harm and continues to suffer harm from this ongoing violation of his First Amendment rights.
-

SECOND CAUSE OF ACTION

Violation of First Amendment - Right to Petition the Government

(Against All Defendants)

1. Plaintiff repeats and realleges all prior allegations.

2. The First Amendment protects the right "to petition the Government for a redress of grievances."
 3. Access to the courts is a fundamental aspect of the right to petition.
 4. Defendants violated Plaintiff's right to petition by:
 - **Refusing to accept his court filings**
 - **Failing to rule on his motions and requests**
 - **Closing the case without addressing his claims**
 - **Barring him from making any further submissions**
 5. These actions constitute a **complete denial of Plaintiff's right to petition the government for redress**, which is a core First Amendment right.
-

THIRD CAUSE OF ACTION

Violation of Fifth and Fourteenth Amendment - Due Process

(Against All Defendants)

1. Plaintiff repeats and realleges all prior allegations.
 2. The Fifth and Fourteenth Amendments guarantee that no person shall be deprived of life, liberty, or property without due process of law.
 3. Plaintiff has a constitutionally protected liberty and property interest in access to the courts.
 4. Defendants deprived Plaintiff of this interest without due process by:
 - **Closing the case and barring further filings without notice or hearing**
 - **Failing to provide Plaintiff with an opportunity to respond** to the allegations that his filings were "abusive"
 - **Adopting a pre-filing injunction without following proper procedures** for declaring a litigant vexatious
 5. These actions violate the fundamental principle that "notice and an opportunity to be heard" are required before the government can deprive a person of a protected interest.
-

FOURTH CAUSE OF ACTION

Violation of Fourteenth Amendment - Equal Protection

(Against All Defendants)

1. Plaintiff repeats and realleges all prior allegations.
 2. The Fourteenth Amendment guarantees equal protection of the laws.
 3. Defendants have treated Plaintiff differently from other litigants based on his status as a *pro se* litigant with disabilities.
 4. While represented litigants have their filings accepted and processed, Plaintiff's filings are censored, ignored, and ultimately rejected.
 5. This disparate treatment lacks any rational basis and violates Plaintiff's right to equal protection.
-

FIFTH CAUSE OF ACTION

Violation of Americans with Disabilities Act (ADA)

Title II, 42 U.S.C. § 12132

(Against Broome County and Broome County Clerk's Office)

1. Plaintiff repeats and realleges all prior allegations.
 2. Title II of the ADA provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."
 3. The courts are a "service, program, or activity" of a public entity within the meaning of the ADA.
 4. Plaintiff is a "qualified individual with a disability" within the meaning of the ADA.
 5. Defendants denied Plaintiff reasonable accommodations for his disability and excluded him from participation in court proceedings, in violation of the ADA.
-

SIXTH CAUSE OF ACTION

Evidence Tampering and Obstruction of Justice

(Against All Defendants)

1. Plaintiff repeats and realleges all prior allegations.
 2. Defendants' systematic alteration of the court docket to change the titles of Plaintiff's filings constitutes **tampering with evidence** and **obstruction of justice**.
 3. The court record is official evidence that is subject to appellate review and public scrutiny.
 4. By altering the record to hide the content of Plaintiff's filings, Defendants have:
 - **Obstructed appellate review**
 - **Interfered with the administration of justice**
 - **Violated the public's right to access court records**
 5. These actions constitute independent violations of Plaintiff's constitutional rights and federal law.
-

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

1. **Declare** that Defendants' actions violated Plaintiff's rights under the First, Fifth, and Fourteenth Amendments and the ADA;
2. **Issue a preliminary and permanent injunction:**
 - Ordering Defendants to accept and process Plaintiff's court filings
 - Ordering Defendants to restore the proper, descriptive titles to Plaintiff's filings on the NYSCEF docket
 - Prohibiting Defendants from censoring, altering, or refusing Plaintiff's filings
 - Ordering Defendants to provide reasonable accommodations for Plaintiff's disabilities
3. **Award compensatory damages** in an amount to be determined at trial, but not less than \$250,000;
4. **Award punitive damages** against Defendants in their individual capacities in an amount sufficient to deter future violations;
5. **Award attorneys' fees and costs** pursuant to 42 U.S.C. § 1988 and other applicable law;
6. **Order the appointment of a special master or monitor** to oversee Defendants' compliance with the ADA and court access rules in cases involving *pro se* litigants with disabilities;
7. Grant such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

VERIFICATION

I, Matthew Russell LaBarre, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on October 15, 2025, at Johnson City, New York.

Matthew Russell LaBarre Plaintiff *Pro Se*

MATTHEW RUSSELL LABARRE 97 Theron Street Johnson City, NY 13790 [Phone number]
[Email address]

Pro Se Plaintiff