

**JUDGE NARDACCI MINUTE ORDER #25-cv-1624 AMN/DJS**

Copied from the docket.

The Court has reviewed Plaintiff's application for issuance of a temporary restraining order and order to show cause. Dkt. No. 2 ("Emergency Motion"). The Emergency Motion contends that the New York State Department of Environmental Conservation ("DEC") "publicly labeled" Plaintiff's property as a "Class 2" site in 2017 without sufficient process, *id.* at 4, and seeks to, *inter alia*, restrain the DEC and numerous other New York State officials (collectively "Defendants") from enforcing or disseminating this classification and to compel Defendants to preserve certain records, *id.* at 2. Even liberally construed, the Emergency Motion fails to satisfy the "demanding" requirements for the "extraordinary remedy" it seeks. *Daileader v. Certain Underwriters at Lloyds London Syndicate 1861*, 96 F.4th 351, 356 (2d Cir. 2024) (citation omitted); see also *Southeast Farms, Inc. v. Martens Fresh, LLC*, No. 23-cv-00100, 2023 WL 1858084, at \*2 (N.D.N.Y. Feb. 9, 2023). In particular, Plaintiff has not demonstrated that he is likely to suffer irreparable harm, nor to succeed on the merits of his constitutional claims. For example, as to the latter, any Section 1983 claim for money damages against the DEC or New York State officials that is timely, *Lucente v. Cnty. of Suffolk*, 980 F.3d 284, 308 (2d Cir. 2020) ("The statute of limitations for § 1983 actions arising in New York is three years.") (citations omitted), nonetheless appears barred by the Eleventh Amendment, see, e.g., *Morabito v. New York*, 803 F. Appx 463, 465 (2d Cir. 2020) ("It is well settled that § 1983 does not override Eleventh Amendment immunity....The district court thus correctly held that the Eleventh Amendment barred the [plaintiff's] § 1983 suit against New York (a state), the DEC (a state agency), and Seggos (a state official) in his official capacity.") (citation omitted). Plaintiff also does not allege the personal involvement of numerous Defendants. *Tangreti v. Bachmann*, 983 F.3d 609, 618 (2d Cir. 2020). Finally, the Emergency Motion does not comply with numerous procedural requirements set forth in the Local Rules of the Northern District of New York. For example, the cursory affidavit included with the Emergency Motion provides no indication of (i) reasonable advance notice to any Defendant; (ii) any good faith efforts by the parties to resolve their dispute prior to seeking emergent relief; or (iii) why the standard motion procedure is insufficient. See N.D.N.Y. L.R. 7.1(e), 65.1. For all these reasons, the Emergency Motion is DENIED, as are Plaintiff's related motions, Dkt. Nos. 8 - 9 . Plaintiff's pending motion for permission to file electronically, Dkt. No. 7 , remains referred to the assigned United States Magistrate Judge and will be decided in due course. SO ORDERED by U.S. District Judge Anne M. Nardacci on 11/24/2025. (Copy served upon pro se plaintiff by regular mail). (mab) (Entered: 11/24/2025)"

"ORDER TO SHOW CAUSE. The Court hereby ORDERS that Plaintiff shall show cause, if there be any, to this Court by submission on papers as ordered herein, before the Honorable Anne M. Nardacci, United States District Court Judge at the United States Courthouse, 445 Broadway, Albany, New York, why this action should not be dismissed. The Court further ORDERS that Plaintiff's written submissions shall be filed on or before December 5, 2025. The Court further ORDERS that the Clerk serve a copy of this Order on all parties in accordance with the Local Rules. Signed by U.S. District Judge Anne M. Nardacci on 11/25/2025. (Attachments: # 1 Unreported Decisions) (Copy served upon pro se plaintiff by regular mail). (mab) (Entered: 11/25/2025)"