

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

Scott A. Ingersoll,

Plaintiff,

Civil No. 3:25-cv-01273-SVN

v.

State of Connecticut and Connecticut
Reapportionment Commission,

Defendants.

REPORT AND RECOMMENDATION ON INITIAL REVIEW

Plaintiff Scott A. Ingersoll, representing himself, alleges that Defendants State of Connecticut and the Connecticut Reapportionment Commission, deprived him of his rights under the Fourteenth Amendment, First Amendment, and Article I of the U.S. Constitution. ECF No. 3 at 4. Plaintiff also brings a claim under Article VI, Section 4 of the Connecticut Constitution. *Id.*

Plaintiff requested the Court's permission to proceed *in forma pauperis*, without prepaying the customary \$405 filing fee, pursuant to 28 U.S.C. § 1915 ("Section 1915"). ECF No. 4, 12. The "purpose" of Section 1915 is to ensure that plaintiffs with cognizable claims "will not be deprived of access to the judicial system because of their financial circumstances." *Monti v. McKeon*, 600 F. Supp. 112, 114 (D. Conn. 1984), *aff'd*, 788 F.2d 1 (2d Cir. 1985). Accordingly, the Court conducts two inquiries when a plaintiff asks to proceed *in forma pauperis*. First, it reviews the plaintiff's financial affidavit and determines whether he is truly unable to pay the fee. 28 U.S.C. § 1915(a). Second, it has authority to "screen" the complaint and dismiss any claims that fail to "meet certain minimum legal requirements." *Jolley v. Second Jud. Cir. of U.S.*, No. 3:03-cv-1794 (DJS), 2004 WL 1171381, at *1 (D. Conn. May 25, 2004) (citing 28 U.S.C. § 1915(e)(2)(B)).

The Court granted Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* on August 25, 2025. ECF No. 13. I reviewed Plaintiff's Complaint pursuant to Section 1915. ECF No. 1, 3. For the reasons that follow, I **RECOMMEND** that the Court **DISMISS** Plaintiff's federal claims against Defendants with prejudice and his state claims without prejudice.

I. STANDARD OF REVIEW

The Court has already granted Plaintiff *in forma pauperis* status. ECF No. 13. To ensure that Plaintiff is not abusing the privilege of commencing a case for free, Section 1915 requires the Court to dismiss any claim brought *in forma pauperis* that “(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B).

A claim is frivolous when it “is based on an indisputably meritless legal theory” or when “it is clear that the defendants are immune from suit.” *Montero v. Travis*, 171 F.3d 757, 759-60 (2d Cir. 1999) (internal citations and quotation marks omitted). A complaint fails to state a claim on which relief may be granted when it lacks “factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 556 (2007)). Courts “accept as true all of the allegations contained in a complaint [except] legal conclusions” when determining whether it is frivolous or fails to state a claim. *Ashcroft*, 556 U.S. at 678. However, “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Id.* Courts “liberally construe pleadings . . . submitted by pro se litigants” by “reading [them] to raise the strongest arguments they suggest.” *McLeod v. Jewish Guild for the Blind*, 864 F.3d 154, 156 (2d Cir. 2017) (internal citation and quotation marks omitted). However, they “may not fill the gaps in a *pro se* plaintiff's complaint by imagining facts

that are not alleged.” *Mugabo v. Wagner*, No. 22-CV-930-A, 2024 WL 1621534, at *2 (W.D.N.Y. Apr. 15, 2024) (citing *Chavis v. Chappius*, 618 F.3d 162, 170 (2d Cir. 2010)).

Courts typically dismiss *pro se* complaints that do not satisfy this standard of review without prejudice, meaning that the plaintiff may file an amendment that addresses the court’s concerns and satisfies Section 1915’s requirements. See *Gomez v. USAA Fed. Sav. Bank*, 171 F.3d 794, 796 (2d Cir. 1999). However, that is not always the case. The U.S. Court of Appeals for the Second Circuit directs this Court to dismiss *pro se* complaints with prejudice, or without otherwise granting leave to amend, when “the [C]ourt can rule out any possibility, however unlikely it might be,” that “an amendment will result in a claim being successfully pleaded.” *Id.* For example, claims against a Connecticut Superior Court judge may be dismissed without leave to amend because “any attempt to amend [is] futile” pursuant to the doctrines of sovereign immunity and absolute judicial immunity. *Idlibi v. Burgdorff*, Nos. 23-838, 23-7384, 2024 WL 3199522 at *4 (2d Cir. June 27, 2024).

II. BACKGROUND

Plaintiff asserts four counts in his Complaint. ECF No. 3 at 4. The Complaint is based on claims that “[h]istorical redistricting records . . . show a pattern of gerrymandering that has evolved to exclude competitive districts.” *Id.* at 3. Plaintiff states that “[f]ollowing the 2020 census, Connecticut retained five congressional seats, with district maps redrawn and adopted by the [Connecticut] Reapportionment Commission. These maps have resulted in a 5-0 Democratic delegation in the U.S. House of Representatives for the 2022 and 2024 election cycles, despite approximately 41% of the state’s voters supporting Republican candidates in recent elections.” *Id.* Plaintiff asserts that this outcome suggests “potential vote dilution” and that there exists “an inequality in the opportunity to elect preferred representatives.” *Id.*

Although Plaintiff does not specify which count is asserted against which Defendant, I liberally construe the Complaint as raising all four counts against both Defendants. First, Plaintiff alleges a violation of the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. *Id.* In connection with this claim, Plaintiff asserts that “[t]he gerrymandered maps violate the Equal Protection Clause by diluting the voting strength of approximately 41% of the electorate, denying equal protection.” *Id.* Plaintiff also alleges that the principle of “one person, one vote” set forth in *Reynolds v. Sims*, 377 U.S. 533 (1964), is “breached . . . by the 5-0 outcome despite significant support.” ECF No. 3 at 4.

Count two alleges a First Amendment violation based on the freedom of association. *Id.* Specifically, Plaintiff states that “[b]y excluding representation for a substantial voter bloc, the maps infringe on the right to associate with chosen representatives and have that association reflected in Congress, as recognized by [*Benisek v. Lamone*, 585 U.S. 155 (2018)].” ECF No. 3 at 4.

Count three alleges a violation of Article I, Section 2 of the U.S. Constitution. *Id.* Plaintiff states that this provision’s mandate that representatives be chosen “by the People” implies a process “free from undue interference” and that “[t]he current maps subvert this principle, as held by [*Wesberry v. Sanders*, 376 U.S. 1 (1964)], by failing to reflect the electorate’s diversity.” ECF No. 3 at 4.

And, count four asserts a violation of Article VI, Section 4 of the Connecticut Constitution. *Id.* In support of this claim, Plaintiff alleges that this provision “requires electoral districts to ensure fair representation,” and the Connecticut Reapportionment Commission’s maps “dilute voter strength.” *Id.*

Plaintiff seeks relief in the form of (1) a declaratory judgment that the current congressional district maps are unconstitutional and violate state law, (2) injunctive relief to invalidate the maps and order a nonpartisan redraw, (3) compensatory damages for loss of voting rights and policy impacts, (4) “a precedent to guide fair redistricting nationwide,” and (5) costs and any further relief the Court deems just. *Id.* at 5.

III. CLAIMS AGAINST THE STATE OF CONNECTICUT

I recommend that all of Plaintiff’s claims against Defendant State of Connecticut be dismissed, as the State of Connecticut is immune from liability. “Generally, a suit for recovery of money may not be maintained against [Connecticut]” in this Court. *Auguste v. Dep’t of Corrections*, 424 F. Supp. 2d 363, 367 (D. Conn. 2006) (citing *Florida Dep’t of State v. Treasure Salvors*, 458 U.S. 670, 684 (1982)). That is because “[t]he Eleventh Amendment to the United States Constitution bars suits in federal court by private parties against a state, absent consent to suit or an express statutory waiver of immunity.” *Idlibi v. Burgdorff*, supra, 2024 WL 3199522, at *2. Accordingly, I recommend that the Court dismiss all of Plaintiff’s claims against the State of Connecticut unless he can point to a statutory waiver of Connecticut’s Eleventh Amendment immunity or demonstrate that Connecticut has consented to Plaintiff’s lawsuit. In creating causes of action like Section 1983, “Congress did not intend to override well-established immunities or defenses under the common law,” including Eleventh Amendment immunity. *Will v. Mich. Dep’t of State Police*, 491 U.S. 58, 67 (1989); see also *Chris H. v. New York*, 764 Fed. Appx. 53, 55 (2d Cir. 2019). Nor has Connecticut waived its Eleventh Amendment immunity for Section 1983 claims. See *Turner v. Boyle*, 116 F. Supp. 3d 58, 73 (D. Conn. 2015). Moreover, Plaintiff has not demonstrated that Connecticut has consented to Plaintiff’s lawsuit.

For these reasons, the Court concludes that the Eleventh Amendment bars Plaintiff's claims, including his request for injunctive relief, against the State of Connecticut. *See Lee v. Department of Children and Families*, 939 F.Supp.2d 160, 165 (D. Conn. 2013) (“The scope of the Eleventh Amendment bar depends on the identity of the defendant. For suits against states or their agencies, ‘[t]his jurisdictional bar applies regardless of the nature of the relief sought.’ *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 100, 104 S.Ct. 900, 79 L.Ed.2d 67 (1984); *see also Dube v. State Univ. of New York*, 900 F.2d 587, 594 (2d Cir.1990) (‘This bar exists whether the relief sought is legal or equitable’) (quoting *Papasan v. Allain*, 478 U.S. 265, 276, 106 S.Ct. 2932, 92 L.Ed.2d 209 (1986))). Thus, I recommend dismissal of all claims brought against Defendant State of Connecticut.

IV. CLAIMS AGAINST THE CONNECTICUT REAPPORTIONMENT COMMISSION¹

A. Fourteenth Amendment, First Amendment, and Article I Claims

As was iterated, Plaintiff's Complaint alleges a violation of the Equal Protection Clause of the Fourteenth Amendment, the First Amendment, and Article I, Section 2 of the U.S. Constitution. ECF No. 3 at 4. I recommend dismissal of these claims because they are not justiciable. “The Constitution entrusts state legislatures with the primary responsibility for drawing congressional districts, and redistricting is an inescapably political enterprise. Legislators are almost always aware of the political ramifications of the maps they adopt, and

¹The Connecticut Reapportionment Commission is a body that is formed when the Connecticut General Assembly fails to enact a plan for redrawing Congressional and legislative district lines by a predetermined deadline. If the General Assembly fails to enact a plan by said deadline and the Connecticut Reapportionment Commission must be formed to create a plan, the Speaker and minority leader of the Connecticut House of Representatives and the President and minority leader of the Connecticut Senate each appoint two legislators to the Commission, and the eight appointees then must select a state elector as the ninth member of the Commission. *See 2021 Redistricting Project*, Connecticut General Assembly, https://www.cga.ct.gov/rr/tfs/20210401_2021%20Redistricting%20Project/faq.asp (last visited Oct. 7, 2025); *Connecticut*, The American Redistricting Project, <https://thearp.org/state/connecticut/> (last visited Oct. 7, 2025).

claims that a map is unconstitutional because it was drawn to achieve a partisan end are not justiciable in federal court. Thus, as far as the Federal Constitution is concerned, a legislature may pursue partisan ends when it engages in redistricting. By contrast, if a legislature gives race a predominant role in redistricting decisions, the resulting map is subjected to strict scrutiny and may be held unconstitutional.” *Alexander v. South Carolina State Conference of the NAACP*, 602 U.S. 1, 6 (2024).

In *Rucho v. Common Cause*, 588 U.S. 684, 689-90 (2019), the Supreme Court considered nearly identical claims to those brought in this action. There, Plaintiff similarly alleged, *inter alia*, that partisan gerrymandering violated the First Amendment, the Equal Protection Clause of the Fourteenth Amendment and Article I, Section 2, of the U.S. Constitution. *Id.* The Supreme Court held that such claims were not justiciable. *Id.* at 718. The Court reasoned that “partisan gerrymandering claims present political questions beyond the reach of the federal courts” and “[f]ederal judges have no license to reallocate political power between the two major political parties, with no plausible grant of authority in the Constitution, and no legal standards to limit and direct their decisions.” *Id.*

Plaintiff’s Complaint is grounded in partisan gerrymandering claims, as it alleges that the “one person, one vote” principle is violated by the 5-0 Democratic delegation in the U.S. House of Representatives for the 2022 and 2024 election cycles, despite approximately 41% of Connecticut voters supporting Republican candidates in recent elections. ECF No. 3 at 3-4. Plaintiff also argues that the partisan gerrymandering of the Connecticut Reapportionment Committee violates the principle of freedom of association in the First Amendment and Article I, Section 2’s mandate that representatives be chosen “by the people.” ECF No. 3 at 3-4. Plaintiff makes no allegation that race played any role in the redistricting decisions made by the

Connecticut Reapportionment Commission. Accordingly, because Plaintiff has raised a partisan gerrymandering claim and such claims are not justiciable, I recommend dismissal of those claims.

B. Connecticut Constitutional Claim

Plaintiff also brings a claim under the Connecticut Constitution, asserting a violation of his rights under Article VI, Section 4. ECF No. 3 at 4. “In order to entertain these [state law] claims, the Court must exercise supplemental jurisdiction, pursuant to 28 U.S.C. § 1367. This statute provides, in pertinent part: ‘[t]he district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if . . . the district court has dismissed all claims over which it has original jurisdiction.’ In addition, the Second Circuit has stated that ‘if [a]ll federal claims are dismissed before trial . . . , the state claims should be dismissed as well.’ *Motorola Credit Corporation v. Uzan*, 388 F.3d 39, 56 (2d Cir. 2004) (quoting *Castellano v. Bd. of Trustees*, 937 F.2d 752, 758 (2d Cir. 1991)) (emphasis added in *Motorola*).” *Ostenson v. Suffolk County*, 378 F. Supp. 2d 140, 150 (E.D.N.Y. 2005) (citations omitted). Accordingly, I recommend dismissal of Plaintiff’s state law claim, as the claims over which this court would have exercised original jurisdiction are not justiciable.

V. CONCLUSION

For these reasons, I **RECOMMEND** that the Court **DISMISS** Plaintiff’s federal claims against Defendants with prejudice and his state claims without prejudice.

This is a recommended ruling by a U.S. Magistrate Judge, to which Plaintiff may object under Rule 72 of the Federal Rules of Civil Procedure and Rule 72 of the Local Rules of Civil Procedure for the District of Connecticut. Plaintiff must file any such objection by **October 29, 2025**. See Fed. R. Civ. P. 72(b)(2) (establishing that objections to recommended rulings must be

filed within fourteen days); D. Conn. L. Civ. R. 72.2(a) (adding five days for parties who, like Plaintiff, will receive notice of the recommended ruling by mail); Fed. R. Civ. P. 6(a)(1) (establishing that if a court-ordered time period ends on a Saturday, Sunday or legal holiday, “the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday”). If Plaintiff fails to file a timely objection, he may not thereafter assign as error a defect in my recommendation, *see* D. Conn. L. Civ. R. 72.2(a), or seek appellate review, *see Small v. Sec’y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989).

SO ORDERED.

/s/ Maria E. Garcia, USMJ

Hon. Maria E. Garcia
United States Magistrate Judge

Date: October 10, 2025