

23-903

*Uviles v. City of New York*

**In the  
United States Court of Appeals  
FOR THE SECOND CIRCUIT**

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AUGUST TERM 2023

No. 23-903

**JOEL UVILES,**  
*Plaintiff-Appellant,*

v.

**CITY OF NEW YORK,**  
*Defendant-Appellee,*

**ANTHONY J. ANNUCCI, Acting Commissioner for the New York  
State Department of Corrections and Community Supervision, in  
his official capacity,**  
*Defendant.\**

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On Appeal from the United States District Court  
for the Eastern District of New York

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ARGUED: APRIL 10, 2024  
DECIDED: FEBRUARY 26, 2025

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Before:      WALKER and MENASHI, *Circuit Judges*, and CHOUDHURY,  
                                         *Judge.*<sup>†</sup>

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\* The Clerk of Court is directed to amend the caption as set forth above.

<sup>†</sup> Judge Nusrat J. Choudhury of the United States District Court for the Eastern District of New York, sitting by designation.

Joel Uviles sued the City of New York under 42 U.S.C. § 1983, alleging that the New York City Department of Corrections (“DOC”) unlawfully detained him pursuant to a state parole warrant. Uviles had been on state parole when he was arrested on new charges. At the time, New York law required that an alleged parole violator be provided with a preliminary hearing within fifteen days of the execution of the parole warrant. Uviles never received a hearing. After twenty-one days of detention, Uviles posted bail on the new charges but the DOC continued to detain him on the basis of the parole warrant for another seventeen days, at which point the state board of parole lifted the warrant.

Uviles argues that his detention pursuant to the parole warrant was unlawful because (1) a copy of the parole warrant was never delivered to the prison as state law required, and (2) the failure to provide a timely preliminary hearing rendered the warrant facially invalid and obligated the DOC to release him. We conclude that the City lawfully detained Uviles. First, the delivery of the parole warrant was proper because a copy was delivered to the New York City Police Department and the criminal court, and the warrant information was transmitted to the DOC. Second, the parole warrant was facially valid even after the fifteen-day hearing deadline expired. We affirm the judgment of the district court.

Judge Choudhury concurs in part and in the judgment in a separate opinion.

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MENASHI, *Circuit Judge*:

Plaintiff-Appellant Joel Uviles sued the City of New York under 42 U.S.C. § 1983, alleging that the City violated his rights under the Fourth and Fourteenth Amendments by detaining him without a lawful basis. Uviles was arrested while he was on parole for a prior state conviction. He was transferred to the custody of the New York City Department of Corrections (“DOC”) and detained at Rikers Island. The New York State Department of Corrections and Community Supervision (“DOCCS”) issued a parole warrant ordering that Uviles “be retaken and placed in detention to await the action of the New York State Department of Corrections and Community Supervision or a court of competent jurisdiction.” App’x 397.

At the time of Uviles’s detention, New York law required that an alleged parole violator be given a preliminary probable cause hearing within fifteen days of the execution of a parole warrant. Uviles never received a hearing. After twenty-one days of detention, Uviles posted bail on the new charges. The City continued to detain him solely on the basis of the parole warrant for another seventeen days until the state board of parole lifted the warrant.

Uviles argues that his detention pursuant to the parole warrant for those seventeen days was unlawful for two reasons. First, a copy of the parole warrant was never delivered to Rikers Island as New York state law required. Second, the failure of the DOCCS to provide a timely preliminary hearing rendered the warrant facially invalid as a matter of state law and obligated the City to release him. Uviles alleges that the City detained him pursuant to an official municipal policy to enforce an outstanding parole warrant until the DOCCS lifts the warrant or a court orders release.

We conclude that Uviles's claim fails because the City lawfully detained him. First, the parole warrant was properly delivered. A copy of the warrant was delivered to the New York City Police Department ("NYPD") and the criminal court, and the warrant information was electronically transmitted to the DOC. Second, the parole warrant remained facially valid even after the fifteen-day deadline for the preliminary hearing expired. Accordingly, the City detained Uviles pursuant to a lawful policy. We affirm the judgment of the district court.

## **BACKGROUND**

On May 22, 2018, the NYPD arrested Uviles. He was arraigned on felony and misdemeanor charges the next day and transferred to the custody of the DOC at Rikers Island. On May 25, the criminal court dismissed the felony charges and set bail at \$2,500 cash.<sup>1</sup> At the time of his arrest, Uviles was on parole for a prior state conviction. His arrest while on parole prompted the DOCCS to issue a parole warrant ordering that Uviles "be retaken and placed in detention to await the action of the New York State Department of Corrections and

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<sup>1</sup> The remaining misdemeanor charges were dismissed a few months later.

Community Supervision or a court of competent jurisdiction.” App’x 397.

Uviles’s parole officer was on vacation when he was arrested. By June 6, following her return from vacation, she realized that Uviles had not been timely served with a notice of violation and hearing as state law required. The parole officer communicated with a supervisor who, on June 7, submitted a form requesting that a member of the parole board lift the parole warrant in accordance with an internal directive of the DOCCS. On June 10, the parole officer told Uviles that he would likely be released in a few days.

On June 12, Uviles posted bail on the new charges. But the City continued to detain him on the basis of the parole warrant because the board of parole had not yet lifted the warrant. On June 26, the board of parole informed the parole officer that the submitted paperwork was incomplete. The parole officer submitted the missing paperwork later that day. On June 29—seventeen days after Uviles posted bail—the board of parole lifted the warrant. The City released Uviles that night.

### STANDARD OF REVIEW

“We review the district court’s grant of summary judgment *de novo*,” and in doing so “we resolve all ambiguities and draw all permissible inferences in favor of the party against whom summary judgment is sought.” *Friend v. Gasparino*, 61 F.4th 77, 84 (2d Cir. 2023) (internal quotation marks omitted). “Summary judgment is warranted only upon a showing ‘that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.’” *Johnson v. Killian*, 680 F.3d 234, 236 (2d Cir. 2012) (quoting Fed. R. Civ. P. 56(a)).

## DISCUSSION

“Under New York’s bipartite corrections system, individuals ultimately subject to State custody may initially be confined in county jails, to be transferred to State correctional facilities after conviction and sentencing.” *Ayers v. Coughlin*, 72 N.Y.2d 346, 349 (1988). State parolees are under the supervision of the DOCCS. However, the DOCCS may issue a parole warrant—a “hold”—that authorizes the local municipality to detain an alleged parole violator until his final parole revocation hearing.

New York Executive Law § 259-i governs parole revocation procedures. At the time of Uvile’s detention,<sup>2</sup> § 259-i provided that if a parole officer has “reasonable cause to believe” that a parolee “has violated one or more conditions of his ... parole,” the parole officer must report the violation “to a member of the board [of parole], or to any officer ... designated by the board [of parole], and thereupon a warrant may be issued for the retaking of such person and for his temporary detention.” N.Y. Exec. L. § 259-i(3)(a)(i) (effective July 25, 2017). The “officer to whom such warrant shall be delivered is authorized and required to execute such warrant by taking such person and having him detained.” *Id.* § 259-i(3)(a)(ii).

Section 259-i did not explain how a parole warrant may be lifted, but the state regulations provided that before the preliminary hearing a DOCCS officer “may report in writing such circumstances concerning the warrant as are relevant to a board member who may

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<sup>2</sup> Section 259-i was amended in 2021. *See* L. 2021, ch. 427, §§ 4-8 (Sept. 17, 2021). The parties agree that the versions of the statute and regulations that were in force at the time of Uvile’s 2018 detention govern this appeal. Accordingly, the citations to the statute and its accompanying regulations in this opinion reference those versions.

then vacate the warrant.” 9 N.Y.C.C.R.R. § 8004.2(g) (effective July 28, 1993).<sup>3</sup>

Section 259-i required that an alleged parole violator receive, within three days of the execution of the warrant, notice of the alleged violation and of a hearing. N.Y. Exec. L. § 259-i(3)(c)(iii). The statute required that a preliminary probable cause hearing be held within fifteen days of the execution of the warrant unless the parolee waived the hearing, *id.* § 259-i(3)(c)(i), (iv), and that a final parole revocation hearing be held within ninety days of the preliminary hearing, *id.* § 259-i(3)(f)(i).<sup>4</sup> The statute did not specify the consequences of a

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<sup>3</sup> The regulations also provided that, after the preliminary hearing, “[w]here a final revocation hearing has not yet commenced ... delinquency may be cancelled and the warrant vacated by three members of the board or the administrative law judge.” 9 N.Y.C.C.R.R. § 8004.3(e)(1) (effective July 12, 2004). Section 259-i explained that the detention of an alleged parole violator “may be further regulated by rules and regulations” of the DOCCS “not inconsistent with this article.” N.Y. Exec. L. § 259-i(3)(a)(i).

<sup>4</sup> The City observes that a warrant’s execution date is often contested and is not necessarily the same date as that on which the warrant is issued or served or on which the parolee is taken into custody on other charges. *Compare People ex rel. Mitchell v. Warden*, No. 251205, 2015 WL 7160133, at \*4 (N.Y. Sup. Ct. Nov. 12, 2015) (“[L]odging of a parole warrant against a parolee already detained on an unrelated basis is not synonymous with execution. Rather, execution is only effected when the parole warrant serves as the sole or exclusive basis for such detention.”), *with People ex rel. Morant v. Warden*, 35 A.D.3d 208, 209 (1st Dep’t 2006) (“[T]he parole revocation warrant was executed not on the date of issuance ... but rather on the date the warrant was served on petitioner at the correctional facility where he was incarcerated for related criminal charges.”). Because we conclude that the City did not unlawfully detain Uviles, we need not determine the date of execution of his parole warrant. As Uviles recognizes, that date “merely goes to the extent of Mr. Uviles’s overdetention,” that is, “whether he was overdetained for 17 days or two.” Reply Br. 25.

failure to provide a timely notice or hearing. An internal directive of the DOCCS provided that if the DOCCS failed to provide a timely notice or hearing, the parole officer “must immediately prepare a Supplementary Violation of Release Report indicating the nature of the due process violation and recommending cancellation of delinquency. ... Should the Board cancel delinquency, the warrant is to be lifted immediately.” App’x 424.<sup>5</sup> The directive otherwise stated that “[p]arole warrants do not expire” and “remain in force until cancelled by members of the Board of Parole or completion of the revocation process.” App’x 420.

Uviles argues that the City violated his right to be secure against unreasonable seizures under the Fourth and Fourteenth Amendments by detaining him without a lawful basis. He argues that his detention was unlawful for two reasons. First, his parole warrant was never delivered to Rikers Island as state law required. Second, the DOCCS failed to hold a probable cause hearing within fifteen days, which he argues rendered the parole warrant facially invalid and obligated the DOC to release him.

To prevail on a § 1983 claim against a municipality, “a plaintiff must prove that action pursuant to official municipal policy caused the alleged constitutional injury.” *Hu v. City of New York*, 927 F.3d 81, 104 (2d Cir. 2019) (quoting *Cash v. City of Erie*, 654 F.3d 324, 333 (2d

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<sup>5</sup> The record indicates that a directive was in effect at the time of Uviles’s detention, *see* App’x 208, but the record includes only the version of the directive issued on August 6, 2018, shortly after Uviles’s release on June 29, 2018. The parties both reference that version of the directive in describing the rules applicable to Uviles’s situation. Uviles observes that under the “internal regulations” of the DOCCS, “a Parole Board member’s approval was required before [the] DOCCS could vacate a warrant.” Appellant’s Br. 9.



Cir. 2011)). When a plaintiff “seek[s] to establish municipal liability on the theory that a facially lawful municipal action” resulted in a violation of his constitutional rights, he “must demonstrate that the municipal action was taken with deliberate indifference as to its known or obvious consequences.” *Newton v. City of New York*, 779 F.3d 140, 156 (2d Cir. 2015) (quoting *Bd. of Cnty. Comm’rs of Bryan Cnty. v. Brown*, 520 U.S. 397, 407 (1997)); see also *City of Oklahoma City v. Tuttle*, 471 U.S. 808, 824 (1985) (“[W]here the policy relied upon is not itself unconstitutional, considerably more proof than the single incident will be necessary in every case to establish both the requisite fault on the part of the municipality, and the causal connection between the ‘policy’ and the constitutional deprivation.”) (footnote omitted). To establish deliberate indifference, a plaintiff must show that the municipality was “aware of constitutional injury, or the risk of constitutional injury, but failed to take appropriate action to prevent or sanction violations of constitutional rights.” *Jones v. Town of East Haven*, 691 F.3d 72, 81 (2d Cir. 2012).

## I

Uviles argues that his detention was unlawful because the warrant was never delivered to Rikers Island. We conclude that the delivery of the warrant complied with § 259-i because a copy of the warrant was delivered to the NYPD and the criminal court, and the warrant information was transmitted electronically to the DOC with Uviles’s transfer to DOC custody.

Section 259-i provided that a parole warrant “shall constitute sufficient authority to the superintendent or other person in charge of any jail, penitentiary, lockup or detention pen *to whom it is delivered* to hold in temporary detention the person named therein.” N.Y. Exec. L. § 259-i(3)(a)(i) (emphasis added); see also *id.* § 259-i(3)(a)(ii) (“Any

such officer to whom such warrant shall be delivered is authorized and required to execute such warrant by taking such person and having him detained as provided in this paragraph.”).

A copy of the parole warrant was delivered to the NYPD and the criminal court. The record does not show that a copy of the warrant was delivered to Rikers Island. However, the principal information in the warrant was transmitted electronically through the DOC’s computer system, which tracks the status of detention holds. *See App’x 402.*<sup>6</sup>

Uviles argues that pursuant to § 259-i(3)(a) he could not be detained unless Rikers Island received a copy of the warrant. We disagree. First, the regulations provided that the warrant “may be executed by any parole officer, any officer authorized to serve criminal process or any peace officer” and that “[s]uch officer” was “authorized to take such person and have him detained in any jail, penitentiary, lockup or detention pen.” 9 N.Y.C.C.R.R. § 8004.2(e)-(f). The delivery of the warrant to the NYPD and the criminal court, therefore, would have allowed the officers executing the warrant to have Uviles detained. Second, even if § 259-i(3)(a) required a separate delivery to the prison, the electronic transmittal of the warrant information satisfied that requirement.

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<sup>6</sup> The information included the warrant number, the status of the warrant as a New York State parole warrant, that Uviles was charged with a violation of parole, the date on which the warrant was lodged, and identifying information for Uviles. Uviles does not argue, and the record does not indicate, that the information electronically transmitted was inaccurate.

## II

Uviles argues that the City unlawfully detained him on the basis of the parole warrant after the fifteen-day deadline for a preliminary hearing expired.<sup>7</sup> Uviles alleges—and the record indicates—that the City detained him pursuant to an official policy to enforce parole warrants until the DOCCS lifts the warrant or a court orders release.<sup>8</sup> Uviles contends that the detention was unauthorized because—as a matter of state law—the parole warrant became facially invalid after the fifteen-day hearing deadline passed. In making this argument, Uviles relies on *McDay v. Travis*, 303 F. App'x 928 (2d Cir. 2008), in which we said that if the preliminary and final hearing requirements “are not timely met, the parole warrant is rendered void, and the prisoner is entitled to be released.” *Id.* at 929. According to Uviles, he has a viable claim under § 1983 for a violation of his rights under the Fourth and Fourteenth Amendment rights because he was detained based on a warrant that was facially invalid under state law. *Cf. Sowell v. Annucci*, No. 22-CV-6538, 2023 WL 4189725, at \*7 (S.D.N.Y. June 26, 2023) (“Because Plaintiff alleged no facts suggesting that the parole warrants were facially invalid, he failed to

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<sup>7</sup> Uviles’s appellate brief argues that the warrant became facially invalid because the DOCCS failed to provide the three-day notice and the fifteen-day preliminary hearing. At oral argument, however, Uviles’s counsel stated that his claim relies only on the failure to meet the hearing deadline. *See* Oral Argument Audio Recording at 00:30.

<sup>8</sup> *See, e.g.,* App’x 426 (DOC General Office Manual) (“A Senior Parole Officer issues a New York State Parole Warrant when the officer concludes that a parolee has violated the conditions of his or her release. This warrant authorizes DOC to hold a parolee until a parole hearing can be conducted. ... A parole warrant is a legal hold. In most instances, the inmate may not be discharged until the parole warrant is resolved.”).

state a claim for false imprisonment for his resulting detentions based on those warrants.”).

We conclude that the district court did not err in granting summary judgment to the City on Uviles’s § 1983 claim. The parole warrant remained facially valid—and the City was required to honor it—until it was lifted by the state board of parole or by a court. The City therefore detained Uviles lawfully pursuant to a lawful policy.

### A

Under New York law at the time of Uviles’s detention, a parole warrant remained valid—and the City was required to enforce it—until the state board of parole lifted the warrant or a court ordered release. The state “retain[ed] legal custody” of alleged parole violators while the City had only “physical custody” of them. *Broome County v. State of New York*, 547 N.Y.S.2d 461, 461 (3d Dep’t 1989) (citing *Nassau County v. Cuomo*, 69 N.Y.2d 737, 740 (1987)); see N.Y. Exec. L. § 259-i(2)(b) (providing that parolees “shall ... be in the legal custody of the department until expiration of the maximum term or period of sentence”). For that reason, the City lacked the authority to alter the status of someone detained pursuant to a parole warrant or to release him without authorization from the state or from a court. *Cf.* N.Y. Corr. L. § 500-c(4) (effective Aug. 21, 2017) (“The chief administrative officer shall receive and safely keep in the county jail of his county each person lawfully committed to his custody ... [and] shall [not] ... without lawful authority, let any such person out of jail.”); *Bell v. Adams*, No. 151715, 2022 WL 2287289, at \*13 (N.Y. Sup. Ct. June 23, 2022) (holding that § 500-c “remove[s] any City DOC discretion in taking individuals into custody: once an individual has been lawfully ordered into City DOC’s custody by the Criminal Court, it has no choice but to detain said individual”).

The relevant statutory and regulatory framework indicated that a parole warrant remained valid with respect to the City until it was vacated by the parole board or by a court. Section 259-i permitted “any parole officer or any officer authorized to serve criminal process or any peace officer, who is acting pursuant to his special duties, or police officer” to issue a parole warrant. N.Y. Exec. L. § 259-i(3)(a)(ii). But the regulations authorized only a member of the board of parole to vacate a parole warrant. *See* 9 N.Y.C.C.R.R. § 8004.2(g) (“At any time after the issuance of a warrant for retaking and temporary detention, and before the preliminary hearing or waiver thereof, an officer of the division assigned to field service and holding a title above senior parole officer ... may report in writing such circumstances concerning the warrant as are relevant to a board member who may then vacate the warrant.”); *see also id.* § 8004.3 (providing that after a preliminary hearing and “[w]here a final revocation hearing has not yet commenced ... delinquency may be cancelled and the warrant vacated by three members of the board or the administrative law judge, who shall state their reasons in writing for the cancellation”).

The text of Uviles’s parole warrant described this allocation of legal authority. The warrant “order[ed] that said person be retaken and placed in detention *to await the action of the New York State Department of Corrections and Community Supervision or a court of competent jurisdiction* and for so doing, this shall be your sufficient warrant.” App’x 397 (emphasis added). The DOCCS’s internal directive applied the same state law principles. The directive stated that “[p]arole warrants do not expire. They remain in force until cancelled by members of the Board of Parole or completion of the revocation process.” *Id.* at 420. The directive also provided that if the DOCCS violated a parolee’s due process rights by failing to provide

timely notice or a timely hearing, the parole officer “must immediately prepare a Supplementary Violation of Release Report indicating the nature of the due process violation and recommending cancellation of delinquency” and submit it “to the Board for its review and decision. Should the Board cancel delinquency, the warrant is to be lifted immediately.” *Id.* at 424. The directive thus indicated that the warrant remained in force until the board of parole lifted it or a court ordered release. State law afforded the City no discretion but to honor the parole warrant until such an invalidation occurred.<sup>9</sup>

## B

Uviles argues that *McDay* requires us to hold that his detention was unlawful. In *McDay*, we said that under state law, if § 259-i’s preliminary and final hearing “requirements are not timely met, the parole warrant is rendered void, and the prisoner is entitled to be released.” 303 F. App’x at 929. We suggested that the City could be liable under § 1983 for the state’s failure to provide a timely hearing because the City’s policy to honor an outstanding parole warrant until the DOCCS lifts the warrant was in “apparent tension with state law” and “it appears that any parole warrant in the City’s possession

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<sup>9</sup> For this reason, UViles’s reliance on *Hernandez v. United States*, 939 F.3d 191 (2d Cir. 2019), is misplaced. In *Hernandez*, we decided that the City plausibly violated the Fourth Amendment by detaining the plaintiff pursuant to a federal immigration detainer even after he “told multiple DOC employees that he was a U.S. citizen, and the City could have easily verified his citizenship.” *Id.* at 208. We explained that the City could be liable under § 1983 for “blindly honoring federal immigration detainers” because “the honoring of detainers is not mandatory” and “the City had an independent obligation to verify Hernandez’s citizenship in the circumstances [t]here.” *Id.* at 206-08 & n.11 (internal quotation marks and alteration omitted). The City lacked such authority in this case.

ceased to be ‘facially valid’ ... after plaintiff was not afforded a probable cause hearing within fifteen days of its issuance.” *Id.* at 931.

*McDay* does not govern this appeal. *McDay* was decided by a nonprecedential summary order. See 2d Cir. Local R. 32.1.1. Of course, as Uviles notes, we issue summary orders “in cases in which a precedential opinion would serve no jurisprudential purpose because the result is dictated by pre-existing precedent.” *United States v. Montague*, 67 F.4th 520, 535 n.4 (2d Cir. 2023) (quoting 2d Cir. Order of June 26, 2007, adopting 2d Cir. Local R. 32.1, at 3), *judgment vacated on other grounds*, 144 S. Ct. 2654 (2024). For that reason, summary orders ostensibly reflect “applications of established law.” *Id.* (quoting *United States v. Kirilyuk*, 29 F.4th 1128, 1148 (9th Cir. 2022) (Bress, J., dissenting)). And it is also true that “our ‘denying summary orders precedential effect does not mean that the court considers itself free to rule differently in similar cases.’” *United States v. Payne*, 591 F.3d 46, 58 (2d Cir. 2010) (alteration omitted) (quoting 2d Cir. Order of June 26, 2007, at 3).

We depart from *McDay*, however, for two reasons. First, its discussion of the applicable law was qualified. The court explained that the City’s policy was in “*apparent* tension with state law” and that “it *appears* that any parole warrant in the City’s possession ceased to be ‘facially valid’ ... after plaintiff was not afforded a probable cause hearing within fifteen days.” *McDay*, 303 F. App’x at 931 (emphasis added). The court exercised that caution because the record before it was incomplete. The case had been decided on a summary judgment motion filed before any discovery, and the record did not include the



parole warrant or the DOCCS's applicable policies and regulations.<sup>10</sup> The court observed not only that "the parole warrant at issue is not in the record before us" but also that "the record does not clearly demonstrate whether the ... regulations may be attributed to the City or the State." *McDay*, 303 F. App'x at 931. In this case, by contrast, we have reviewed the parole warrant and the applicable regulatory framework.

Second, *McDay* involved a question of state law on which this court is not "the final word." *Deeper Life Christian Fellowship, Inc. v. Sobol*, 948 F.2d 79, 84 (2d Cir. 1991). Whether the parole warrant was facially invalid and therefore afforded the City discretion to release Uviles is a question of state law.

*McDay* relied on state court decisions that had held that a prisoner detained on a parole warrant was entitled to a writ of habeas corpus if the state failed to provide a timely preliminary hearing. *See McDay*, 303 F. App'x at 929 (citing *People ex rel. Levy v. Dalsheim*, 411 N.Y.S.2d 343, 344 (2d Dep't 1978); *People ex rel. Willis v. Travis*, 680 N.Y.S.2d 422, 425 (N.Y. Sup. Ct. 1998)). The New York courts have since clarified that even if a prisoner is entitled to habeas relief, he is not entitled to monetary damages for false imprisonment when he was "arrested pursuant to a facially valid parole warrant and ... the short delay in holding the preliminary hearing was not due to misconduct or malfeasance." *Gonzalez v. New York*, 165 A.D.3d 763, 765 (2d Dep't 2018). Such a delay does not amount to false imprisonment because, in those circumstances, "the confinement was privileged." *Id.*; *see also Nazario v. New York*, 884 N.Y.S.2d 580, 588

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<sup>10</sup> *See McDay*, 303 F. App'x at 931; *McDay v. Travis*, No. 03-CV-5277, 2010 WL 11677998, at \*2 (S.D.N.Y. July 9, 2010), *aff'd in part, rev'd in part*, 303 F. App'x 928 (2d Cir. 2008).



(N.Y. Ct. Cl. 2009) (“[E]ven where the confinement is determined to be illegal, as it was here, liability for false arrest and imprisonment may not follow where the warrant authorizing the arrest and confinement was valid on its face when issued.”), *aff’d*, 905 N.Y.S.2d 328 (3d Dep’t 2010).<sup>11</sup>

According to the New York courts, a parolee may be entitled to habeas relief if he does not receive a timely preliminary hearing following detention on a parole warrant. But whether he is so entitled requires a fact-dependent inquiry. A court may need to consider, for example, whether the record indicates that the parolee waived the preliminary hearing, *see, e.g., People ex rel. Melendez v. Warden*, 214 A.D.2d 301, 303 (1st Dep’t 1995), or whether “a legitimate reason exists why the preliminary hearing was continued beyond the statutorily allowed fifteen days,” *People ex rel. Manning v. Warden*, No. 250062, 2012 WL 2122470, at \*1 (N.Y. Sup. Ct. June 8, 2012); *see also People ex rel. Madison v. Sullivan*, 142 A.D.2d 621, 621 (2d Dep’t 1988). If a habeas proceeding must be conducted to determine whether the parolee is entitled to release, the warrant cannot

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<sup>11</sup> *Cf. Nastasi v New York*, 90 N.Y.S.2d 377, 378-79 (3d Dep’t 1949) (“[I]t does not necessarily follow ... that a determination of illegality of imprisonment gives rise ipso facto to a claim for damages for false arrest and imprisonment. Since parole was not permissible under the circumstances presented, the declaration of delinquency for parole violation and the acts of the authorities in retaking claimant ... and in detaining him ... were improper. There is nothing in the record, however, to indicate that the declaration of delinquency and the warrant for claimant’s arrest were not entirely valid on their face when issued .... The arresting officers and the confining authorities were under a duty to comply with this declaration and warrant the invalidity of which was not determined until the decision in the habeas corpus proceeding had been handed down.”), *aff’d*, 300 N.Y. 473 (1949).

immediately become *facially* invalid when the hearing deadline expires—contrary to the theory that Uviles advances in his claim against the City and that the summary order in *McDay* suggested might be viable. And if the parole warrant remains facially valid, the City does not have the discretion to release a prisoner held pursuant to it. Indeed, the New York courts have clarified that even if the detention is ultimately determined to be unlawful, the confining authorities have not necessarily acted unlawfully but in the absence of misconduct remained under an obligation to comply with a facially valid warrant.

The distinction between the lawfulness of the detention and the lawfulness of the conduct of the prison officials raises the possibility that even if the City had the discretion to release Uviles, it still might not be liable under § 1983.<sup>12</sup> Because we conclude that the City lacked such discretion because the warrant remained facially valid, we need not separately decide whether Uviles’s detention qualified as a short delay that was not attributable to misconduct.

## C

The parole warrant remained valid under state law—and the City was required to enforce it—until the DOCCS lifted the warrant

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<sup>12</sup> We have explained that “we look to ... state law principles to determine the validity of [a § 1983] claim based on false imprisonment,” *Russo v. City of Bridgeport*, 479 F.3d 196, 204 (2d Cir. 2007), but ultimately “federal law defines the elements of a § 1983 malicious prosecution claim, and ... a State’s tort law serves only as a source of persuasive authority rather than binding precedent in defining these elements,” *Lanning v. City of Glens Falls*, 908 F.3d 19, 25 (2d Cir. 2018), *abrogated by Thompson v. Clark*, 596 U.S. 36 (2022); *see also Manuel v. City of Joliet*, 580 U.S. 357, 370 (2017) (“In defining the contours and prerequisites of a § 1983 claim, including its rule of accrual, courts are to look first to the common law of torts.”).

or a court ordered Uviles's release. The City therefore detained Uviles with a lawful basis and pursuant to a lawful policy. Accordingly, Uviles has not identified a genuine dispute of fact that would allow a reasonable jury to conclude that the City's policy caused a "constitutional injury" to his right to be free of unreasonable seizures under the Fourth and Fourteenth Amendments. *Hu*, 927 F.3d at 104. The district court properly concluded that the state was entitled to judgment as a matter of law.<sup>13</sup>

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<sup>13</sup> The district court also properly rejected Uviles's § 1983 claim for violation of the Due Process Clause of the Fourteenth Amendment. The Supreme Court has held that an alleged parole violator must be given a preliminary hearing "as promptly as convenient after arrest." *Morrissey v. Brewer*, 408 U.S. 471, 485 (1972). Generally, "a delay of any more than thirty days for [a preliminary] hearing is constitutionally insufficient under *Morrissey*." *Davis v. N.Y.S. Div. of Parole*, No. 07-CV-5544, 2008 WL 3891524, at \*8 (S.D.N.Y. Aug. 20, 2008) (citing cases). Uviles was detained for thirty-eight days in total, but he was detained solely on the basis of the parole warrant for only seventeen days. That delay does not violate the constitutional rule described in *Morrissey*. Even if it did, however, we have already explained that the City detained Uviles pursuant to a lawful policy. Uviles has not shown that the City's policy caused widespread unconstitutional overdetections such that the City's "action was taken with deliberate indifference as to its known or obvious consequences," *Newton*, 779 F.3d at 156, and in any event the City would not be liable under these circumstances for enforcing a policy that state law mandates, *see Vives v. City of New York*, 524 F.3d 346, 353 (2d Cir. 2008) ("[W]e agree with all circuits to address state laws mandating enforcement by municipal police officers that a municipality's decision to honor this obligation is not a conscious choice. As a result, the municipality cannot be liable under *Monell* in this circumstance.").

## **CONCLUSION**

For the foregoing reasons, we affirm the judgment of the district court.