

★ JAN 07 2019 ★

Nehemiah Rolle, Jr.

Plaintiff,

Federal Complaint
Demanding Trial by Jury
Equity Lawsuit
LONG ISLAND OFFICE

-against-

CV-19 0094

Norman St. George

Defendant.

DONNELLY, J.
BLOOM, M.J.

Preliminary Statement

This civil action involves the **willful and intentional violations under color of state and federal law** to unlawfully deprive Plaintiffs of her *First, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Thirteenth and Fourteenth of the United States Constitution*. And, involves *Article III Section 2, Clause 1, of the U.S. Constitution* which states that Judicial Power shall extend to all cases, in Law and Equity, arising under this Constitution, the Laws of the United States, treaties made, or which shall be under their Authority; *Article VI, Supreme Law of the Land*; the Constitution and laws of the United States, which shall be made in pursuance thereof. All treaties made, under the Authority of the United States shall be, bound by that. This action is brought in accordance with *Title 42 U.S.C. Sections 1983 and 1985 of the Civil Rights Act*. This action is brought in accordance with *Title U.S.C. Sections 1983, 1985, and 1988 of the Civil Rights Act* specifically the provision seeking equitable relief and declaratory judgment.

Jurisdiction of Court

This civil action arises under *Article III Section 2, Clause 1, of the U.S. Constitution* which that Judicial Power shall extend to all cases, in Law and Equity, arising under this Constitution, the Laws of the United States, treaties made, or which shall be, under their Authority; *Article VI, Supreme Law of the Land*; the Constitution and laws of the United States, which shall be made in pursuance thereof. All treaties made, under the Authority of the United States shall be Supreme Law of the Land and the Judges in every state shall be bound by that. This action is brought in accordance with *Title U.S.C. Sections 1331 and 1342 and Title 42 U.S.C. Sections 1983, 1985, and 1988 of the Civil Rights Act*.

1st Amendment [1791] Citizens of United States have the right to petition the government for a redress of Grievances.

4th Amendment [1791] The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, support by Oath or affirmation, and describing the place to be searched, and the persons or things to be seized.

5th Amendment [1791] nor deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

6th Amendment [1791] In all criminal prosecutions, the accused shall enjoy the right to speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be informed of the nature and causes of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses his favor, and to have the Assistance of Counsel for his defense.

7th Amendment [1791] In Suits at Common law, where the value in controversy shall exceed twenty Dollars, the right of trial by jury shall be preserved, and no fact tried by jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

8th Amendment [1791] nor cruel and unusual punishments inflicted.

9th Amendment [1791] The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

10th Amendment [1791] The power not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

14th Amendment [1865] Section 1. . persons born or naturalized in the Un States, and subjected to

the jurisdiction thereof, is citizens of the United States and of the State wherein they reside. No State

shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United

States; nor shall any State deprive any person of life, liberty, or property, without due process of law;

nor deny to any person within its jurisdiction the equal protection of the laws .

Parties To This Civil Action

1. Plaintiff, Nehemiah Rolle, Jr. a citizen of the United States located at 909 3rd Avenue 6096, New York, New York 10150.

2. Defendant Norman St. George personally, individually, and as a New York State official. With respect to transactions and occurrences that form the basis of this complaint against Norman St. George in Nassau County located at 99 Main Street, Hempstead, New York 11550 and who was acting under color of State law and in violation of Federal law and the *United States Constitution and Title 42 Section 1983, 1985, and 1988 of the Civil Rights Act.*

Statement of Claims

3. The Plaintiff Nehemiah Rolle brings this complaint against the Defendant the who is a state official in Nassau County as a lawsuit of equity to redress deprivations under color of state law for denying them their rights, privileges, or immunities secured by the United States Constitution and to interpose the federal courts between the states and the people, as guardians of the people's federal rights, and to protect the people from unconstitutional actions under color of state law, whether that action is executive, legislative, or judicial.

4. The Plaintiff brings this federal complaint and claim against the Defendant Norman St. George because he beginning on November 29, 2018 willfully and intentionally and criminally began in retaliation depriving and violating Plaintiff Nehemiah Rolle, Jr's Constitutional Rights to pursuant to the 1st, 5th & 14th Amendment to the *United States Constitution* which prohibits the Defendant or the state or a state official from engaging in acts of

¹
See, Mitchum v. Foster 92 S.Ct. 2151, 2161

of law; and prohibits the Defendant from fraudulently acting to deprive the Plaintiff equal protection of the laws; and prohibits the Defendant from fraudulently acting to deprived Plaintiff access to the court; and prohibits the Defendant from and engaging in willfully acts of slander and defamation and perjurious utterances and actions against the Plaintiff that were false and

was done by the Defendant to destroy Plaintiff's reputation and to injury the Plaintiff as NAACP member who made a valid complaints that he witnessed to the Defendant Norman St. George of mis-use and abuse of power and criminal obstruction of justice and perjury and violations of the *United States Constitution and the Civil Rights Act Title 42 USC Section 1983 and 1985* under color of state against the Defendant's friend and associate Joseph Girardi a state official who engaged in the aforementioned acts against another NAACP member named Deborah Joseph in state proceedings; so the Defendant unlawfully and unjustly set out for revenge against the Plaintiff.

5. The Plaintiff brings the Federal Complaint and next claim against the Defendant Norman St. George a state official for his inability and failure to exercise his duty and oath of office and afford the Plaintiff Nehemiah Rolle, Jr. a Black American citizen born in the United States his full United States Constitutional rights to full due process pursuant to the Fifth Amendment to United States Constitution and Defendant Norman St. George inability and failure to exercise his duty and oath of office and afford the Plaintiff Nehemiah Rolle, Jr. a Black American citizen born in the United States and afford me my United States Constitutional right to equal protection to all the laws of United States and, afford me my US Constitutional right to rights and privileges or immunities that immune him from prosecution of any unlawful and unjust state law or state action.

6. The Plaintiff brings this Federal Complaint and the next claim against the Defendant Norman St. George (a mixed Black) state official for violating me, the Plaintiff's 1st, 4th, 5th, and 14th Amendments to the *United States Constitution and Title 42 USC Section 1983 and 1985 and 1988* and for Federal obstruction of justice and unlawfully and unjustly and fraudulently refusing under color of state law to observe and apply facts and evidence brought forward in motions by the Plaintiff Nehemiah Rolle, Jr. a Black American citizen born in the United State to this lower

information accusations (traffic tickets) that were unsupported by notarized sworn affidavits and depositions by a the white Nassau County Police officer named Fisher who refuses to cite his full name on the alleged simplified traffic information offenses and other Court papers filed against the Alleged Accused or Respondent Nehemiah Rolle a Black American citizen born in the United State as required by the New York State Appellate Courts and the New York State Court of Appeals (highest Court in New York State).

7. The Plaintiff brings this Federal Complaint and the next claim against the Defendant Norman St. George (a mixed Black) state official for Federal criminal fraud and obstruction of justice for violating and depriving Plaintiff's of his 1st, 4th, 5th, and 14th Amendments to the United States Constitution and Title 42 USC Section 1983 and 1985 and 1988 under color of state law when Defendant not will take legal judicial notice nor recognize the Plaintiff Nehemiah Rolle, Jr. a Black American citizen born in the United States legal documentary evidence and facts and proofs in a state proceeding during motion practice and dismiss the false traffic tickets and again thereby violating and depriving Plaintiff's of his 1st, 4th, 5th, and 14th Amendments to the United States Constitution and Title 42 USC Section 1983 and 1985 and 1988 under color of state law; and the Defendant also continues to obstruct justice and allows the white police Nassau County Police Officer not to disclose his full name in state papers and on the false traffic tickets in violation of the Plaintiff's United States Constitutional Rights pursuant to 1st, 4th, 5th, and 14th Amendments to the United States Constitution and Title 42 USC Section 1983 and 1985 and 1988 under color of state law.

Relief Requested by Plaintiff

Wherefore, I the Plaintiff Nehemiah Rolle, Jr. seeks first equitable relief and a declaratory judgment saying that Nassau County legal matter be dismissed against the Plaintiff due the Defendant Norman St. George multiple acts of criminal fraud and Federal obstruction of justice under color of state law and for intentionally beginning acts of retaliation by depriving and violating Plaintiff Nehemiah Rolle, Jr's Constitutional Rights to pursuant to the 1st, 5th & 14th Amendment to the United States Constitution which prohibits the Defendant or the state or a state official from engaging in acts of depriving Plaintiff the right to petition the Courts to redress grievances and file motions to dismiss

protection of the laws; and prohibits the Defendant from fraudulently acting to deprive Plaintiff access to the court; and prohibits the Defendant from and engaging in willfully acts of slander and defamation and perjurious utterances and actions against the Plaintiff that were false and was done by the Defendant to destroy Plaintiff's reputation and to injury the Plaintiff as NAACP member who made a valid complaints that he witnessed to the Defendant Norman St. George of mis-use and abuse of power and criminal obstruction of justice and perjury and violations of the *United States Constitution and the Civil Rights Act Title 42 USC Section 1983 and 1985* under color of state against the Defendant's friend and associate Joseph Girardi a state official who engaged in the aforementioned acts against another NAACP member named Deborah Joseph in state proceedings; so the Defendant unlawfully and unjustly set out for revenge against the Plaintiff and for Defendant Norman St. George a state official for his inability and failure to exercise his duty and oath of office and afford the Plaintiff Nehemiah Rolle, Jr. a Black American citizen born in the United States his full United States Constitutional rights to full due process pursuant to the Fifth Amendment to United States Constitution and Defendant Norman St. George inability and failure to exercise his duty and oath of office and afford the Plaintiff Nehemiah Rolle, Jr. a Black American citizen born in the United States and afford me my United States Constitutional right to equal protection to all the laws of United States and, afford me my US Constitutional right to rights and privileges or immunities that immune him from prosecution of any unlawful and unjust state law or state action; and saying that for Federal obstruction of justice and unlawfully and unjustly and fraudulently refusing under color of state law to observe and apply facts and evidence brought forward in motions by the Plaintiff Nehemiah Rolle, Jr. a Black American citizen born in the United State to this lower state proceeding requiring the dismissal of these false and unlawful and unjust and fraudulent alleged simplified traffic information accusations (traffic tickets) that were unsupported by notarized sworn affidavits and depositions by a the white Nassau County Police officer named Fisher who refuses to cite his full name on the alleged simplified traffic information offenses and other Court papers filed against the Alleged Accused or Respondent Nehemiah Rolle a Black American citizen born in the United State as required by the New York State Appellate Courts and the New York State Court of Appeals (highest Court in New York State); and saying that Defendant obstructed justice by unlawfully

forward in motions by the Plaintiff Nehemiah Rolle, Jr. a Black American citizen born in the United State to this lower state proceeding requiring the dismissal of these false and unlawful and unjust and fraudulent alleged simplified traffic information accusations (traffic tickets) that were unsupported by notarized sworn affidavits and depositions by a the white Nassau County Police officer named Fisher who refuses to cite his full name on the alleged simplified traffic information offenses and other Court papers filed against the Alleged Accused or Respondent Nehemiah Rolle a Black American citizen born in the United State as required by the New York State Appellate Courts and the New York State Court of Appeals (highest Court in New York State); and saying that the Defendant engaged in Federal criminal fraud and obstruction of justice for violating and depriving Plaintiff's of his 1st, 4th, 5th, and 14th Amendments to the *United States Constitution and Title 42 USC Section 1983 and 1985 and 1988* under color of state law when Defendant not will take legal judicial notice nor recognize the Plaintiff Nehemiah Rolle, Jr. a Black American citizen born in the United States legal documentary evidence and facts and proofs in a state proceeding during motion practice and dismiss the false traffic tickets and again thereby violating and depriving Plaintiff's of his 1st, 4th, 5th, and 14th Amendments to the *United States Constitution and Title 42 USC Section 1983 and 1985 and 1988* under color of state law; and the Defendant also continues to obstruct justice and allows the white police Nassau County Police Officer not to disclose his full name in state papers and on the false traffic tickets in violation of the Plaintiff's United States Constitutional Rights pursuant to 1st, 4th, 5th, and 14th Amendments to the *United States Constitution and Title 42 USC Section 1983 and 1985 and 1988* under color of state law; further Plaintiff is seeking a declaratory judgment saying that the Defendant Norman St. George be precluded from any and all involvement in the Nassau County District Court traffic ticket matter against the Plaintiff due to the Defendant Norman St. George multiple acts of unlawful and unjust and criminal fraud and thru lies and deception and mis-use and abuse of power and thru multiple acts of Federal obstruction of justice that deprived and violated the *United States Constitution and New York State Constitution* and all the laws of the United States and for the deprivations of the Plaintiff's rights pursuant to *Title 42 U.S.C Chapter 21 Sections 1983, 1985, and 1988 of the Civil Rights Act* and the *United States Constitution* along with deprivations of Nehemiah Rolle, Jr. *Title 42 U.S.C Chapter 21 Sections 1983, 1985, and 1988 of the Civil*

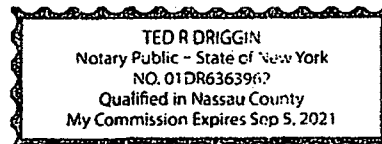
where the Plaintiff will present numerous documentary factual material evidence and material witnesses along with who will testify against the Defendant at his Federal trial. Further, if declaratory relief has not been available to the Plaintiff against the Defendant. And, if this matter continues Plaintiff reserves the right to seek injunctive relief. The Plaintiff will seek after a jury trial and conviction of the Defendant and that the Declaratory Judgment will be used to impeach and remove the Defendant from his position as New York State official for violating his oath of office and failing to uphold the *United States Constitution* and the *New York State Constitution* and all the law of the United States and for deprivations of the Plaintiff's rights pursuant *Title 42 U.S.C Chapter 21 Sections 1983, 1985, and 1988 of the Civil Rights Act*. Plaintiff will also reserve the right to used the declaratory judgment to seek Federal criminal prosecution of certain individuals for obstruction of justice and Federal Slander and Defamation against the Plaintiff. In the event Defendant does not answer this Federal complaint within 21 days after being served, a default judgment must be granted to the Plaintiff and the Defendant be adjudged as if he, the Defendant was convicted after a jury trial.

Signed this 07 day of January, 2019. I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

Nehemiah Rolle
Plaintiff Nehemiah Rolle, Jr. acting as his own lawyer
909 3rd Avenue 6096
New York, New York 10150

Sworn to before me 7
day of January, 2019
[Signature]
Notary Public



JS 44 (Rev. 11/15)

CIVIL COVER SHEETFILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

★ JAN 07 2019 ★

I. (a) PLAINTIFFS

Nehemiah Rolle, Jr.
909 3rd Avenue 6096
New York, New York 10150

(b) County of Residence of First Listed Plaintiff New York County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

Norman St. George
99 Main Street
Hempstead, New York 11550

County of Residence of First Listed Defendant Nassau County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

CV-19 0094

DONNELLY, J.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | |
|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| PTF | DEF | | PTF | DEF |
| <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	OTHER STATUTES <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Violating Title 42 USC Sections 1983, 1985 & 1988 and 14th, 9th, 5th, & 4th & 1st Amendments US Constitution

Brief description of cause:

Defendant unlawfully and unjustly & fraudulently depriving & denying Plaintiff's Constitutional Rights-Equity Lawsuit

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # 26873 AMOUNT 400.00

APPLYING IFP

JUDGE

MAG. JUDGE

Affidavit of Douglas Mayers

New York State)

SS:

Nassau County)

I, Douglas Mayers of 78 Woodside Avenue Freeport, NY 11520 make this affidavit and certify and affirm that the following is true and correct:

I, Douglas Mayers, was present in Room 370 of the Nassau County District Court, located at 99 Main Street, Hempstead, NY 11550 of Nassau County District Court, Judge Joseph Girardi presiding during a trial regarding Mrs. Deborah Joseph. I attended the hearing and trial of Mrs. Deborah Joseph on Wednesday, March 18th, 2015 and again on or about Wednesday, March 25th, 2015. I observed the honorable Judge Joseph Girardi was questioning a police officer from Garden City, NY. At times when Ms. Joseph's lawyer was questioning the Garden City Police officer who was on the stand in reference to being called to a bank where Mrs. Joseph was asked to come with information about a check she received in the amount of \$23,500. At a point within the attorney's questioning the judge asked the Garden City officer if Mrs. Joseph spoke with an accent. The police officer said yes, she spoke Creole. I think this was wrong on the part of the judge, which I thought was unusual because Mrs. Joseph's attorney continued to question the officer on why Mrs. Joseph was arrested. The officer told the attorney he was called by someone from the bank in reference to this check.

On my second visit to the court on the 25th or I was sitting in the courtroom and I do not think the judge let Mrs. Joseph's lawyer represent her as he should. He kept objecting to the attorney in whichever way that he could I am not speaking as an attorney but I understand that a defendant's attorney should be able to defend that defendant without interruption from the judge when witnesses were asked questions, who were on the stand by the prosecution.

Again, later in the afternoon when the judge began to charge the jury with instructions on the law he was forcefully instructing the jury in every way that they should come back with a guilty verdict, which I found was rather unusual. And, he did not give the defendant attorney the time necessary to represent her in the way that she should. In my opinion, I Douglas Mayers do not think Mrs. Joseph had a fair and impartial trial under this judge.

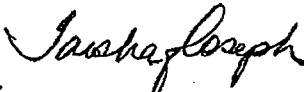
Respectfully submitted,



Douglas Mayers
78 Woodside Avenue
Freeport, NY 11520

Sworn before me this 31st day of March 2015.

TAISHA C. JOSEPH
Notary Public, State of New York
No. 01J06278441
Qualified in Queens County
Commission Expires April 8, 2017



31st day of March, 2015

Taisha Joseph
Notary Public

TAISHA C. JOSEPH
Notary Public, State of New York
No. 01JO6279441
Qualified in Queens County
Commission Expires April 8, 2017

Affidavit of Dr. Joseph Volker

New York State)

)ss.:

Nassau County)

1). I, Dr. Joseph Volker of 133 Cedarhurst Ave Point Lookout NY 11569 make this affidavit and certify and affirm that the following is true and correct:

I, Dr. Joseph Volker, was present in Room 370 of the Nassau County District Court located at 99 Main Street, Hempstead, New York 11550 of Nassau County District Court, Judge Joseph Girardi presiding on or about March 20, 2015 during a trial regarding defendant Deborah Joseph (a Grenadian -American). At the time I was sitting in the same row as Nehemiah Rolle (an African American).

Throughout the trial of Deborah Joseph, Judge Joseph Girardi demonstrated a negative adverse pre- disposition toward Mrs. Joseph from the beginning. I believe consciously or unconsciously Judge Gerardi conveyed his underlying attitude directly & indirectly as follows:

1. Immediately after the jury selection Judge Joseph Girardi stated that he had been informed that Nehemiah Rolle was talking to me and acting in such a way as to influence the jury, when in fact we were not. Judge Joseph Girardi ordered Nehemiah Rolle & I to sit two rows back from where we were sitting. I removed myself to a seat on other side of the courtroom to avoid any further accusations.
2. On or about March 25th I was present in Judge Girardi's Courtroom when he asked Mrs. Joseph, the defendant, whether or not she wanted to testify on her own behalf. I observed her attorney speaking to her & simultaneously I heard Nehemiah Rolle encourage Mrs. Joseph to do so. With that Judge Girardi directed that the Officer remove Mr. Rolle from the Courtroom.
3. On or about March 26th the Jury during its deliberations requested a copy of the Law as it pertains to the charges against Mrs. Joseph. Judge Gerardi denied their request for a copy, reconvened them in the Courtroom & told them he decided that he would explain to them the requirements which they were to consider for possession of a forged instrument.

4. Throughout the trial Judge Gerardi repeatedly overruled Mr. Fineman, denied his requests for redactions of hearsay in witnesses' testimony, assisted and even argued the prosecutors case on more than one occasion and repeatedly interrupted Mr. Fineman's remarks before the jury and during his summation.
5. On or about March 26th I was present and heard arguments regarding bail & sentencing among the District Attorney's lawyers, Mrs. Joseph's lawyer, Mr. Fineman, and Judge Gerardi. The District Attorney requested bail be set at \$2000.00 to which Judge Gerardi responded there would be no bail as this was a serious crime.
6. After refusing the District Attorney's request for bail Judge Gerardi further said that Mrs. Joseph did not take advantage of his (Judge Gerardi's) offer at the beginning of the trial, when he told her that he would guarantee that everything would be expunged if she just pleaded guilty to a misdemeanor. When Mr. Fineman indicated that she did not plead guilty because she maintains that she is not guilty, Judge Gerardi stated that he gave her ample opportunity to testify on her own behalf. Mr. Fineman said that he, Mr. Fineman, told Mrs. Joseph not to testify. At this point Judge Gerardi said she was found guilty, it was over and ordered Mrs. Joseph handcuffed & removed from the Courtroom.
7. After Mrs. Joseph was removed from the Court, the arguments continued with Judge Gerardi insisting that Mrs. Joseph was a risk in that she knew any further appearance would be punitive. Mr. Fineman pointed out that that the Prosecution was willing to set bail set at \$2000.00. Reiterating Mrs. Joseph's failure to enter a misdemeanor or to testify on her own behalf, Judge Gerardi said it was his decision & he was inclined to give Mrs. Joseph a sentence of 90 days to 6 months imprisonment.
8. Mr. Fineman pointed out that Mrs. Joseph was a citizen & never had a complaint or charge of misconduct against her. Judge Gerardi stated that he would give Mr. Fineman 30 days to see if Mrs. Joseph would come forward, show remorse & plead guilty to a misdemeanor. Judge Gerardi insisted Mrs. Joseph remain in custody until the sentencing hearing. Mr. Fineman stated in that case he would move quickly to return to the Court.

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 30th day of December, two thousand twenty.

Nehemiah Rolle, Jr.,

Plaintiff - Appellant,

v.

Norman St. George,

Defendant - Appellee.

ORDER


Docket No: 19-584

Appellant, Nehemiah Rolle, Jr., filed a petition for panel rehearing, or, in the alternative, for rehearing *en banc*. The panel that determined the appeal has considered the request for panel rehearing, and the active members of the Court have considered the request for rehearing *en banc*.

IT IS HEREBY ORDERED that the petition is denied.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

MANDATE

19-584-cv
Rolle v. St. George

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING TO A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 2nd day of November, two thousand twenty.

PRESENT: AMALYA L. KEARSE,
GERARD E. LYNCH,
WILLIAM J. NARDINI,
Circuit Judges.

NEHEMIAH ROLLE, JR.,

Plaintiff-Appellant,

v.

No. 19-584

NORMAN ST. GEORGE,

Defendant-Appellee.

FOR PLAINTIFF-APPELLANT:

NEHEMIAH ROLLE, JR., *pro se*, New York, NY.

FOR DEFENDANT-APPELLEE:

DAVID LAWRENCE III, Assistant Solicitor General (Barbara D. Underwood, Solicitor General, and Anisha S. Dasgupta, Deputy Solicitor General, *on the brief*), for Letitia James, Attorney General, State of New York, New York, NY.

MANDATE ISSUED ON 01/06/2021

Appeal from a judgment of the United States District Court for the Eastern District of New York (Ann M. Donnelly, J.; Lois Bloom, M.J.).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the judgment of the district court entered on February 8, 2019, dismissing appellant's complaint, is **AFFIRMED**.

Appellant Nehemiah Rolle, Jr., proceeding *pro se*, sued Nassau County District Administrative Judge Norman St. George for allegedly violating Rolle's constitutional rights. The district court *sua sponte* dismissed the complaint as frivolous and ordered Rolle to show cause why the court should not impose a filing injunction. After the judgment was entered and Rolle filed a notice of appeal, the district court granted Rolle five extensions of time to file a response to the court's order to show cause. The district court then imposed a filing injunction. We assume the parties' familiarity with the record.¹

A district court has inherent authority *sua sponte* to dismiss a complaint as frivolous, even when the litigant is not proceeding *in forma pauperis*. *Fitzgerald v. First E. Seventh St. Tenants Corp.*, 221 F.3d 362, 363 (2d Cir. 2000). Although we have not yet decided whether we review a district court's exercise of this authority *de novo* or for abuse of discretion, we need not do so here, where the district court's decision "easily passes muster under the more rigorous *de novo* review." *Id.* at 364 n.2. An action is "frivolous" when: "(1) the factual contentions are clearly

¹ Rolle moves this Court for leave to file an untimely reply brief and appendix, and to strike the appellee's brief. The motion for leave to file is GRANTED, and the motion to strike is DENIED.

baseless, such as when allegations are the product of delusion or fantasy; or (2) the claim is based on an indisputably meritless legal theory.” *Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir. 1998) (internal quotation marks omitted). We afford a *pro se* litigant “special solicitude” by interpreting his complaint “to raise the strongest claims that it suggests.” *Hill v. Curcione*, 657 F.3d 116, 122 (2d Cir. 2011) (internal alterations and quotation marks omitted).

Although Rolle’s complaint principally alleged that Judge St. George violated Rolle’s constitutional rights by failing to dismiss traffic tickets, Rolle’s appeal does not challenge the district court’s dismissal of these claims. We therefore construe any objection to the district court’s disposition of them as abandoned and decline to review them further. See *LoSacco v. City of Middletown*, 71 F.3d 88, 92–93 (2d Cir. 1995) (finding that the *pro se* litigant abandoned an issue by failing to raise it in his appellate brief).

Instead, Rolle alleges new facts and argues that the district court erred in dismissing a different claim—that Rolle mailed Judge St. George a “letter of complaint” about the conduct of one of the judge’s colleagues and, in response, Judge St. George called NAACP leaders and made false statements intended to harm Rolle’s reputation. Although the complaint could be construed to contain a hint of such a claim—alleging that Judge St. George “engag[ed] in willful[] acts of slander and defamation and perjurious utterances and actions against [Rolle] that were false . . . to destroy [Rolle’s] reputation and to injur[e Rolle] as an NAACP member who made a valid complaint[]”—these vague and conclusory allegations were included in the same sentence as allegations that appeared to concern Judge St. George’s disposition of Rolle’s traffic tickets matter. The district court read the complaint to assert claims arising only out of actions Judge St. George

took in his judicial capacity in the course of the traffic tickets matter. While we are mindful of the liberal construction owed to *pro se* complaints, that was not error. Nor did the district court abuse its discretion in dismissing the complaint without granting leave to replead a First Amendment retaliation claim that became evident only on appeal. *See Anderson News, L.L.C. v. Am. Media, Inc.*, 680 F.3d 162, 185–86 (2d Cir. 2012) (denial of leave to amend is reviewed for abuse of discretion).

Rolle’s judicial bias claims against the district judge and magistrate judge, which are based entirely on adverse decisions and the race and putative religion of each judge, are meritless. *See Chen v. Chen Qualified Settlement Fund*, 552 F.3d 218, 227 (2d Cir. 2009) (adverse decisions, without more, are not sufficient to establish judicial bias). We decline to consider Rolle’s allegations, raised for the first time on appeal, that the district judge has “stolen” money from him, that the magistrate judge has made “illegal” rulings in other actions, or that other judges in the Eastern District of New York have violated his constitutional rights. *See Harrison v. Republic of Sudan*, 838 F.3d 86, 96 (2d Cir. 2016); *Greene v. United States*, 13 F.3d 577, 586 (2d Cir. 1994) (“[I]t is a well-established general rule that an appellate court will not consider an issue raised for the first time on appeal.”). And contrary to Rolle’s argument, his consent was not required for a magistrate judge to grant Judge St. George’s motion for an extension of time. *See Fed. R. Civ. P.* 6(b), 72; *see also* 28 U.S.C. § 636(b)(1)(A).

Finally, we lack jurisdiction to review Rolle’s challenge to the filing injunction. *See Fed. R. App. P.* 3(c)(1)(B) (a notice of appeal must “designate the judgment, order, or part thereof being appealed”); *Gonzalez v. Thaler*, 565 U.S. 134, 147 (2012) (“Rule 3’s dictates are jurisdictional in

nature.” (quoting *Smith v. Barry*, 502 U.S. 244, 248 (1992))). Rolle filed only one notice of appeal, in March 2019, which specified that he appealed from the district court’s February 2019 order and judgment. Nothing in the notice of appeal indicates an intent to appeal from a future ruling on a filing injunction, which the district court did not make until July 2019. *Cf. Swatch Group Mgmt. Servs. v. Bloomberg L.P.*, 756 F.3d 73, 93 (2d Cir. 2014) (holding that a notice of appeal could not be “reasonably read . . . to contemplate review of an order that did not issue until nearly two months afterwards”). And no subsequent notice of appeal was filed.

We have considered all of Rolle’s arguments and find them to be without merit. Accordingly, we **GRANT** the motion to file an untimely reply brief and appendix, **DENY** the motion to strike, and **AFFIRM** the judgment of the district court.

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk of Court

Catherine O'Hagan Wolfe



A True Copy

Catherine O’Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe

