

NO. \_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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JAMESON ROSADO,

Petitioner,

v.

UNITED STATES ATTORNEY GENERAL & STATE OF NEW JERSEY,

Respondent.

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On Petition for Writ of Certiorari to the  
United State Court of Appeals, Third Circuit

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**PETITIONER APPENDIX TO PETITION FOR WRIT OF CERTIORARI**

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APPENDIX TO THE PETITION FOR A WRIT OF CERTIORARI  
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**NOT PRECEDENTIAL**

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

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**No. 20-2801**

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**JAMESON ROSADO,  
Appellant**

**v.**

**ATTORNEY GENERAL UNITED STATES OF AMERICA**

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**On Appeal from the United States District Court  
for the District of New Jersey  
(D.C. Civil Action No. 2:15-cv-03999)  
District Judge: Honorable John M. Vazquez**

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**Submitted Pursuant to Third Circuit LAR 34.1(a)  
March 5, 2021  
Before: AMBRO, PORTER and SCIRICA, Circuit Judges**

**(Opinion filed: March 10, 2021)**

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**OPINION\***

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**PER CURIAM**

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\* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

*[A]*

Jameson Rosado appeals from the District Court's order entering summary judgment in favor of the Attorney General of the United States. We will affirm.

I.

Rosado was employed by the Federal Bureau of Investigation from 1992 until his termination in 2011. In 2015, he filed suit raising claims of discrimination and other misconduct relating to his employment. Following a series of dismissals and amended complaints, the District Court allowed three of Rosado's claims to proceed to discovery.

In those claims, Rosado alleged that FBI personnel violated Title VII of the Civil Rights Act of 1964 by retaliating against him for filing a complaint with the Equal Employment Opportunity Commission in 2008. Rosado claimed that FBI personnel retaliated against him for filing the complaint by: (1) not appointing him to the Evidence Response Team in 2010; (2) not approving him for the Student Loan Repayment Program in 2009 and 2010; and (3) referring him to the Investigation Division in 2011 for the workplace misconduct that ultimately led to his termination.

Following discovery, the Attorney General filed a motion for summary judgment. The District Court granted that motion, and Rosado now appeals.

II.

We have jurisdiction under 28 U.S.C. § 1291. On appeal, Rosado challenges only the District Court's entry of summary judgment against him. Our review of that ruling is plenary. See Pearson v. Prison Health Serv., 850 F.3d 526, 533 (3d Cir. 2017). Having

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conducted that review, we will affirm substantially for the reasons explained by the District Court.

Rosado has not raised any persuasive challenges to the District Court's ruling.

Rosado devotes much of his filings to complaints about a New Jersey criminal matter involving voicemails that he left for a Magistrate Judge after the District Court's entry of summary judgment. That criminal matter is beyond the scope of this appeal. To the extent that Rosado's filings can be read to argue that this criminal matter reveals bias or misconduct on the part of the Magistrate Judge, Rosado has shown no basis for any such argument and our review reveals none.

Rosado's arguments do not otherwise state any basis for relief. Rosado argues that the Attorney General did not produce certain documents during discovery, but he does not challenge any specific discovery ruling and largely fails to specify what he sought or how he believes it would have helped his case.<sup>1</sup> In any event, we have reviewed his arguments in this regard and discern no basis for relief. Rosado also argues that the District Court overlooked certain issues, but he again largely fails to relate those issues to

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<sup>1</sup> Rosado claims, for example, that the Attorney General did not produce the names of two Assistant Special Agents-in-Charge who allegedly told Mike Ward, the Special Agent-in-Charge of the Newark Division, that Rosado previously impersonated an agent. That information does not appear relevant to any of Rosado's claims or to the District Court's reasons for entering summary judgment on those claims.

any of his specific claims or to any of the District Court's reasons for rejecting those claims. Those issues do not undermine the District Court's rulings in any event.<sup>2</sup>

In sum, neither Rosado's arguments nor our review reveals anything calling the District Court's well-reasoned rulings into question.

### III.

For these reasons, we will affirm the judgment of the District Court. Rosado's pending motions, including his motions to disqualify appellee's counsel and for appointment of counsel, are denied.

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<sup>2</sup> Rosado argues, for example, that the District Court overlooked a September 9, 2014 decision by an EEOC administrative judge who concluded that the FBI did not retaliate against him. His arguments in that regard consist largely of handwritten notations such as "not true" next to many of the administrative judge's statements. Rosado does not explain how this document undermines the District Court's rulings, and it does not.

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

No. 20-2801

JAMESON ROSADO,  
Appellant

v.

ATTORNEY GENERAL UNITED STATES OF AMERICA

(D.C. Civ. No. 2-15-cv-03999)

SUR PETITION FOR REHEARING

Present: SMITH, Chief Judge, McKEE, AMBRO, CHAGARES, JORDAN, HARDIMAN, GREENAWAY, JR., KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, and PHIPPS, Circuit Judges

The petition for rehearing filed by appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

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BY THE COURT,

s/ David J. Porter  
Circuit Judge

Dated: April 14, 2021  
Tmm/cc: Jameson Rosado  
J. Andrew Ruymann, Esq.  
Alex D. Silagi, Esq.  
Peter G. Vizcarrondo, Esq.

Not for Publication

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

JAMESON ROSADO,

*Plaintiff,*

v.

ATTORNEY GENERAL WILLIAM  
BARR,

*Defendant.*

Civil Action No. 15-3999

OPINION

John Michael Vazquez, U.S.D.J.

*Pro se* Plaintiff Jameson Rosado asserts that after he reported purported wrongful conduct at his workplace, he was retaliated against in violation of Title VII of the Civil Rights Act of 1964 ("Title VII"). Presently before the Court is Defendant's motion for summary judgment. D.E. 135. Plaintiff opposes the motion, D.E. 136, and Defendant filed a brief in reply, D.E. 137.<sup>1</sup> The Court reviewed all submissions made in support and in opposition to the motion and considered the motion without oral argument pursuant to Fed. R. Civ. P. 78(b) and L. Civ. R. 78.1(b). For the reasons stated below, Defendant's motion is **GRANTED**.

**I. FACTUAL AND PROCEDURAL BACKGROUND**

As the parties are familiar with this matter, the Court will not provide a detailed factual background.<sup>2</sup> Instead, the Court recounts the key relevant facts here, and additional facts are

<sup>1</sup> Defendant's brief in support of his motion for summary judgment is referred to as "Def. Br." (D.E. 135-1); Plaintiff's brief in opposition is referred to as "Plf. Opp." (D.E. 136); and Defendant's reply brief is referred to as "Def. Reply" (D.E. 137).

<sup>2</sup> The background facts are drawn from Defendant's Statement of Undisputed Material Facts

discussed in the Analysis section below.

Plaintiff worked in various roles at the FBI's Newark Division from 1992 to 2011; his last position was a Technical Information Specialist. DSOMF ¶ 1-2. In 2007, Plaintiff reported that an administrative officer was abusing the overtime leave policy. *Id.* ¶¶ 3-4. In 2008, Plaintiff filed an Equal Employment Opportunity ("EEO") complaint alleging that he was retaliated against because of his 2007 whistleblowing activities. *Id.* ¶ 5. Plaintiff contends that he suffered from additional retaliation at the FBI because of his 2007 report and the 2008 EEO complaint. Three alleged instances of retaliation are at issue in this motion.

First, Plaintiff applied to join the Evidence Response Team ("ERT") in 2009. On November 23, 2009, the FBI reviewed and ranked the applicants in a number of categories; Plaintiff was ranked 19th out of 21 candidates. *Id.* ¶¶ 69-81. According to Plaintiff, however, he was more senior to all of the applicants except one, and Plaintiff appears to suggest that he should have been ranked higher because of his seniority. Meyler Decl. Ex. 1 at T35:2-9. On January 15, 2010, the FBI made its selections, and Plaintiff was not chosen. DSOMF ¶ 82. Plaintiff contends that he was not selected for the ERT as retaliation for his 2007 overtime abuse report. Specifically, Plaintiff believes that David Velazquez, the Assistant Special Agent-in-Charge of the Newark Division, "may have told somebody not to put [Plaintiff] on" the ERT. Meyler Decl. Ex. 1, T26:22-25 (emphasis added). Velazquez started at the Newark Office in January 2009, DSOMF ¶ 6, so Velazquez was not present when Plaintiff reported the alleged overtime abuse in 2007 or filed his EEO complaint in 2008.

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("DSOMF"), D.E. 135-2; and the Declaration of Daniel W. Meyler ("Meyler Decl."), D.E. 135-3, and its supporting exhibits. Plaintiff did not respond to DSOMF and did not file his own statement of material facts. The Court, however, reviewed the documents submitted with *pro se* Plaintiff's opposition, D.E. 136, and based on this review, there do not appear to be factual disputes as to the key events that occurred in this matter.

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Plaintiff's second claim involves his failure to be chosen for the Student Loan Repayment Program ("SLRP"). According to Plaintiff, each year FBI Headquarters repays the student loans for a limited number of employees. DSOMF ¶ 87. At the Newark Office, the Career Board allegedly selected participants for the SLRP. Plaintiff was told by another FBI employee, who was on the Career Board, that Velazquez was the decisionmaker for the SLRP, as it was "Dave's program." *Id.* ¶ 94. Plaintiff applied for the program in 2009 and 2010. Plaintiff believes that he was qualified to be a participant but was not selected either year. *Id.* ¶¶ 89-90, 96. Plaintiff contends that he was not chosen as retaliation for his overtime abuse report and that Velazquez was somehow involved. *Id.* ¶ 97.

In addition, Plaintiff believes that Michael Ward, the Special Agent-in-Charge of the Newark Division, was required to write Plaintiff a recommendation for his 2010 application but "elected not to for personal reasons." Meyler Decl. Ex. 1 at T46:10-18; *see also* DSOMF ¶ 7. Ward started at the Newark Division in March 2010 and was Plaintiff's third-line supervisor, "which means that Ward was three levels above Plaintiff." DSOMF ¶¶ 103-04. Plaintiff told Ward about his EEO matter sometime after Ward started at the Newark Office, and Ward was aware of the EEO investigation that occurred in June 2010. *Id.* ¶¶ 108-10. Plaintiff, however, believes that Ward and Velazquez were "talking to people" in the Newark Office about Plaintiff before they both started working at the office. Meyler Decl. Ex. 1 at T54:3-10.

Finally, Plaintiff alleges that Ward referred Plaintiff to the Inspection Division in 2011, in retaliation for his 2007 whistleblowing activity. According to Plaintiff, the Inspection Division is "responsible for compliance" within the FBI. Meyler Decl. Ex. 1 at T52:11-22. Plaintiff sent Ward an email on February 22, 2011, shortly before the Inspection Division referral, stating that Plaintiff was not going to comply with a required financial disclosure program because of his EEO

matter. Plaintiff stated that if the EEO matter settled, Plaintiff could provide the financial disclosure information. *See* Meyler Decl. Ex. 4 at 2. Ward replied to Plaintiff, suggesting that Plaintiff speak to the appropriate people about his failure to participate, “as your declaration to me that you will not respond to this security requirement may not protect you from associated civil and administrative penalties.” *Id.* Plaintiff responded with a second email that again discussed settling the EEO matter. Plaintiff closed the email by telling Ward that if the EEO matter was not settled in the next week, “I cannot be responsible for any performance related issues should the Bureau not settle this.” *Id.* at 1-2. Plaintiff testified that his email was not intended to be a threat not to perform but was merely a statement that his performance was likely to suffer because he was working in a hostile work environment. Meyler Decl. Ex. 1 at T93:3-11. Ward’s email response said that Plaintiff’s EEO matter was separate from his work responsibilities and that

[r]egardless of what happens in your EEO case, you are expected to successfully fulfill the day to day duties and responsibilities of your position. Your comment that you cannot be responsible for performance related issues if the Bureau doesn’t settle your complaint to your satisfaction is an obvious threat and thus, unacceptable. You will continue to be held accountable for your work performance.

Meyler Decl. Ex. 4 at 1. Plaintiff sent Ward an additional email on March 9, 2011 that again, discussed settling Plaintiff’s EEO matter. Among other things, Plaintiff stated that “I cannot offer any assurance that performance may not be a problem in the future while this matter is pending, as I have done nothing wrong.” Meyler Decl. Ex. 5.

Ward referred Plaintiff to the Inspection Division on March 14, 2011 through a written memo requesting that an administrative inquiry be initiated (the “Referral Memo”). DSOMF ¶ 19; Meyler Decl. Ex. 8. Ward’s Referral Memo states that Plaintiff had a history of insubordinate behavior and outlined a number of alleged examples. Ward included the February 22 and March

9 emails as examples, which Ward viewed as “thinly veiled threats of limited or no work performance if his demands are not met.” Meyler Decl. Ex. 8 at 3. The Referral Memo also discussed emails from Plaintiff in which Plaintiff claimed to have a college degree when he actually did not. *Id.* In fact, during the Inspection Division’s investigation, the FBI learned that Plaintiff had previously submitted three applications to be an FBI Special Agent, stating in each that he had a college degree although Plaintiff had not yet earned a degree.<sup>3</sup> DSOMF ¶¶ 42-53. After Ward’s referral, an agent from the Inspection Division conducted an investigation, and the Inspection Division ultimately suggested that Plaintiff should be terminated from the FBI. Meyler Decl. Ex. 11.

Plaintiff filed suit on June 12, 2015, alleging employment discrimination claims in violation of Title VII. D.E. 1. After a series of motions to dismiss and amended complaints, on May 29, 2018, Judge Salas dismissed all of Plaintiff’s causes of action except three claims for Title VII retaliation. D.E. 83, 84. On April 3, 2019, Defendant was granted leave to file a motion for summary judgment, and Plaintiff was granted leave to file a cross-motion for summary judgment. D.E. 125. Defendant filed his motion for summary judgment on June 7, 2019. D.E. 135. This case was reassigned to the undersigned on July 24, 2020. D.E. 144.

## II. SUMMARY JUDGMENT STANDARD

A moving party is entitled to summary judgment where “the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). A fact in dispute is material when it “might affect the outcome of the suit under the governing law” and is genuine “if the evidence is such that a reasonable jury could return

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<sup>3</sup> Plaintiff completed the Special Agent applications in 2007 and 2009 but did not earn his degree until 2011. DSOMF ¶¶ 42-53.

a verdict for the non-moving party.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986).

Disputes over irrelevant or unnecessary facts will not preclude granting a motion for summary judgment. *Id.* “In considering a motion for summary judgment, a district court may not make credibility determinations or engage in any weighing of the evidence; instead, the non-moving party’s evidence ‘is to be believed and all justifiable inferences are to be drawn in his favor.’” *Marino v. Indus. Crating Co.*, 358 F.3d 241, 247 (3d Cir. 2004) (quoting *Anderson*, 477 U.S. at 255)). A court’s role in deciding a motion for summary judgment is not to evaluate the evidence and decide the truth of the matter but rather “to determine whether there is a genuine issue for trial.” *Anderson*, 477 U.S. at 249.

A party moving for summary judgment has the initial burden of showing the basis for its motion and must demonstrate that there is an absence of a genuine issue of material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). After the moving party adequately supports its motion, the burden shifts to the nonmoving party to “go beyond the pleadings and by her own affidavits, or by the depositions, answers to interrogatories, and admissions on file, designate specific facts showing that there is a genuine issue for trial.” *Id.* at 324 (internal quotation marks omitted). To withstand a properly supported motion for summary judgment, the nonmoving party must identify specific facts and affirmative evidence that contradict the moving party. *Anderson*, 477 U.S. at 250. “[I]f the non-movant’s evidence is merely ‘colorable’ or is ‘not significantly probative,’ the court may grant summary judgment.” *Messa v. Omaha Prop. & Cas. Ins. Co.*, 122 F. Supp. 2d 523, 528 (D.N.J. 2000) (quoting *Anderson*, 477 U.S. at 249-50)).

Ultimately, there is “no genuine issue as to any material fact” if a party “fails to make a showing sufficient to establish the existence of an element essential to that party’s case.” *Celotex Corp.*, 477 U.S. at 322. “If reasonable minds could differ as to the import of the evidence,”

however, summary judgment is not appropriate. *See Anderson*, 477 U.S. at 250-51.

### III. ANALYSIS

Defendant seeks summary judgment as to Plaintiff's three Title VII retaliation claims. Under Title VII, it is an unlawful employment practice for an employer "to discriminate against any of his employees . . . because he has made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under this subchapter." 42 U.S.C. § 2000e-3(a). Where a plaintiff does not present direct evidence of discrimination, courts apply the three-step, burden-shifting standard set forth in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973). A plaintiff must first establish a *prima facie* case of retaliation. If a plaintiff puts forth a *prima facie* case, "the burden shifts to the employer to provide a legitimate non-retaliatory reason for its conduct." *Carvalho-Grevious v. Del. State Univ.*, 851 F.3d 249, 257 (3d Cir. 2017). Finally, at the third step, a plaintiff must "convince the factfinder both that the employer's proffered explanation was false [that is, a pretext], and that retaliation was the real reason for the adverse employment action." *Id.* (quoting *Moore v. City of Philadelphia*, 461 F.3d 331, 342 (3d Cir. 2006)). In other words, a plaintiff must prove, by a preponderance of the evidence, that the harm would not have occurred but-for the protected activity. *Id.* at 258. These requirement standards are discussed in more detail below.

#### A. *Prima Facie* Case

Defendant contends that Plaintiff's claims must be dismissed because Plaintiff cannot make out a *prima facie* retaliation claim. Namely, Defendant argues that Plaintiff fails to establish a causal connection for each claim. Def. Br. at 18-20. To establish a *prima facie* retaliation claim, a plaintiff must show that "(1) she engaged in activity protected by Title VII; (2) the employer took an adverse employment action against her; and (3) there was a causal connection between her

participation in the protected activity and the adverse employment action.”<sup>4</sup> *Moore*, 461 F.3d at 340-41 (quoting *Nelson v. Upsala Coll.*, 51 F.3d 383, 386 (3d Cir. 1995)).

To establish a causal connection at the *prima facie* stage, a plaintiff “must produce evidence ‘sufficient to raise the inference that her protected activity was the *likely reason* for the adverse employment action.’” *Carvalho-Grevious*, 851 F.3d at 259 (quoting *Kachmar v. SunGard Data Sys., Inc.*, 109 F.3d 173, 177 (3d Cir. 1997)) (emphasis in original). A court may consider a “broad array of evidence” to find a causal link. *Farrell v. Planters Lifesavers Co.*, 206 F.3d 271, 280 (3d Cir. 2000). “Unusually suggestive” temporal proximity between the protected activity and adverse action “is sufficient standing alone to create an inference of causality and defeat summary judgment.” *LeBoon v. Lancaster Jewish Cmtys. Ctr. Ass’n*, 503 F.3d 217, 232 (3d Cir. 2007) (citations omitted). Otherwise, a court considers “whether the proffered evidence, looked at as a whole, may suffice to raise the inference.” *Id.* at 232 (internal citation omitted). Evidence may include an “intervening antagonism or retaliatory animus, inconsistencies in the employer’s articulated reasons for terminating the employee, or any other evidence in the record sufficient to support the inference of retaliatory animus.” *Id.* at 232-33.

### **1. Emergency Response Team Claim**

Plaintiff filed an EEO complaint in November 2008, indicating retaliation that he believed resulted from reporting the alleged overtime leave abuse in 2007. Meyler Decl. Ex. 1 at T63:4-6. Plaintiff applied for the ERT in September 2009, and the FBI made its selections on January 15,

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<sup>4</sup> Defendant only focuses on the causal connection aspect of Plaintiff’s *prima facie* claim. Thus, Defendant appears to concede that Plaintiff sufficiently establishes that he engaged in protected activity and suffered from an adverse employment action. In fact, filing an EEO complaint is a “quintessential protected activity,” *Young v. City of Phila. Police Dep’t*, 651 F. App’x 90, 97 (3d Cir. 2016), and each of the alleged adverse employment actions would have “dissuaded a reasonable worker from making or supporting a charge of discrimination.” *Moore*, 461 F.3d at 341. Accordingly, the Court focuses on the causal connection prong.

2010. DSOMF ¶¶ 69-82. Thus, using the date of Plaintiff's EEO complaint, the adverse action occurred approximately a year after the protected activity. This length of time is not unusually suggestive, and Plaintiff cannot rely solely on temporal proximity to establish a causal connection. *See LeBoon*, 503 F.3d at 233 (stating that "a gap of three months between the protected activity and the adverse action, without more, cannot create an inference of causation and defeat summary judgment"); *see also Thomas-Taylor v. City of Pittsburgh*, 605 F. App'x 95, 98-99 (3d Cir. 2015) (concluding that a more than one-year gap between filing charge and the adverse employment action was not unusually suggestive).

Plaintiff submits that the fact he received a low rank among the candidates, despite his seniority, demonstrates that his failure to be placed on the ERT is evidence of retaliation. Meyler Decl. Ex. 1 at T35:2-9. But Plaintiff does not provide any evidence as to who else applied for the ERT, their qualifications for the position, or how seniority factors into the decision-making process. Consequently, without more, the low rank alone does not provide sufficient evidence of a retaliatory animus. Plaintiff also believes that Velazquez and Ward *may* have been involved in the ERT selection process, specifically the decision to not select Plaintiff. *See id.* at T26:22-25 (Plaintiff explaining that Velazquez "may have been involved in the career board . . . [h]e *may* have told somebody not to put me on") (emphases added); *id.* at T22:1-4 (Plaintiff explaining that Ward may have been involved because Ward "was talking to people about [Plaintiff] before he was appointed to Newark"); *see also id.* at T20:17-6. But a plaintiff's "mere belief or contention" that he was retaliated against is not sufficient to create a material issue of fact as a plaintiff "must rebut the motion [for summary judgment] with facts in the record." *Ullrich v. U.S. Sec'y of Veterans Affairs*, 457 F. App'x 132, 136-37 (3d Cir. 2012).

Plaintiff provides no other evidence that would allow a reasonable jury to draw the

any evidence establishing that Ward was a member of the Career Board, involved in the SLRP, or that the lack of a recommendation had an impact on the SLRP decision in 2010. Also, by relying on a personal reason, Plaintiff appears to concede that improper retaliation was not a factor. Thus, Plaintiff fails to provide sufficient evidence by which a reasonable jury could infer that his failure to be selected for the SLRP in 2009 and 2010 was likely due to retaliation. Plaintiff, therefore, fails to set forth a *prima facie* case as to his SLRP claim, and summary judgment is granted to Defendant on this claim.

### **3. Referral to the Inspection Division**

Plaintiff's final claim involves Ward's referral of Plaintiff to the Inspection Division in March 2011. Relying on Plaintiff's 2007 report and 2008 EEO complaint, Defendant argues that there is no causal connection because, at a minimum, two years passed before Ward referred Plaintiff to the Inspection Division. Def. Br. at 23. This argument overlooks the fact that Plaintiff and Ward were involved in an email exchange on February 22, 2011 where Plaintiff discussed the pending EEO matter. *See* MTD Opinion at 15-16; Meyler Decl. Ex. 4. In addition, on March 9th, Plaintiff again discussed his desire to settle the EEO matter. *Id.* Ex. 5. Ward referred Plaintiff to the Inspection Division five days later, on March 14, 2011. DSOMF ¶ 19. Plaintiff filed his EEO complaint several years before which undercuts any argument concerning as the timing of the retaliatory action. But in her motion to dismiss opinion, Judge Salas expressed concern as to whether the February 2011 email could be considered as far as the timing argument. MTD Opinion at 15-16. Neither party addresses this issue – although it was highlighted by Judge Salas. And as the moving party, Defendant has the burden to show that he is entitled to relief. The Court, therefore, cannot determine whether Plaintiff states a *prima facie* case as to his Inspection Division claim. Summary judgment, therefore, is denied on these grounds.

**B. Defendant's Non-Discriminatory Reason for the Adverse Employment Decision**

Assuming that Plaintiff makes out a *prima facie* retaliation claim with respect to his referral to the Inspection Division, the Court turns to the second step of the *McDonnell Douglas* framework. An employer can satisfy its burden of production at the second step by providing evidence that "advance[es] a legitimate, non-retaliatory reason for its conduct." *Moore*, 461 F.3d at 342 (quoting *Krouse v. Am. Sterilizer Co.*, 126 F.3d 494, 500-01 (3d Cir. 1997)). Defendant argues that Ward had a legitimate reason to refer Plaintiff to the Inspection Division because (1) in the February and March emails, Plaintiff threatened to not perform his job unless the FBI settled his EEO matter; and (2) Plaintiff made false statements about having a college degree on Special Agent applications. Def. Br. at 26. Both of these proffered reasons appear in Ward's Referral Memo. Meyler Decl. Ex. 8 at 2. Moreover, a reasonable jury could determine that these proffered reasons constitute sufficient evidence for Defendant to meet his burden of production at the second step of the *McDonnell Douglas* framework.<sup>5</sup>

**C. Proffered Reason is Pretextual**

A plaintiff asserting a Title VII retaliation claim has a higher burden than a plaintiff asserting a discrimination claim. For a retaliation claim, a plaintiff's "ultimate burden is to prove that retaliatory animus was the 'but-for' cause of the adverse employment action." *Carvalho-*

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<sup>5</sup> In support his argument that there was a legitimate, non-retaliatory reason to refer Plaintiff to the Inspection Division, Defendant also relies on the fact that Plaintiff contacted then FBI Director Robert Mueller at his (Mueller's) home and sent Mueller a 15-paragraph email about Plaintiff's EEO matter. Def. Br. at 27-28. Plaintiff's contact with Mueller, however, occurred after Ward sent the Referral Memo. Moreover, Plaintiff contacted Mueller after Ward explicitly told Plaintiff in an email that "[t]here will be no reprisal if you deem it necessary to reach out to anyone at FBIHQ, including the Director's Office." DSOMF ¶ 56. This evidence, therefore, does not support Defendant's non-retaliatory reason for the referral. This is also the case for Defendant's argument as to Plaintiff's "Hurricane Jamie" statements. See Def. Br. at 27. The incident at issue occurred on August 30, 2011, DSOMF ¶ 32, approximately five months after Ward sent the Referral Memo.

*Grevious*, 851 F.3d at 258 (internal quotation omitted). Thus, at the third step, a plaintiff “must be able to convince the factfinder both that the employer’s proffered explanation was false, and that retaliation was the real reason for the adverse employment action.” *Moore*, 461 F.3d at 342 (quoting *Krouse*, 126 F.3d at 500-01). A plaintiff can do this by “demonstrate[ing] weaknesses, implausibilities, inconsistencies, incoherencies, or contradictions from which a reasonable juror could conclude that the Defendants’ explanation is unworthy of credence, and hence infer that the employer did not act for the asserted nonretaliatory reasons.” *Carvalho-Grevious*, 851 F.3d at 262 (quoting *Daniels v. Sch. Dist. of Phila.*, 776 F.3d 181, 193 (3d Cir. 2015)) (internal quotation marks and brackets omitted).

As for Plaintiff’s perceived threats of non-performance, Plaintiff contends that he was never unwilling to perform his duties. Instead, Plaintiff states that the February 22 email was not a threat; he was merely stating that it was difficult to perform his job in a hostile work environment. Meyler Decl. Ex. 1 at T92:1-93:11. Plaintiff, however, concedes that the email could have been construed as a threat not to perform his work. *Id.* at T93:15-23. Moreover, Plaintiff’s email did not reference any then-existing hostile work environment nor did it state that his performance would suffer due to the environment. Critically, Ward’s written response made unequivocally clear that Plaintiff’s EEO matter was separate from his work performance. Meyler Decl. Ex. 4 at 1. In reply, Plaintiff again discussed settling the EEO matter and reiterated that he could not ensure that his future performance would not be problematic while the EEO case remained pending. Meyler Decl. Ex. 5. Again, Plaintiff failed to mention any ongoing work environment issue or that such issue was impacting his performance.

As for Plaintiff’s false statement about a college degree, Plaintiff admits that he did not have a college degree when he completed the applications, but states that he believed he would

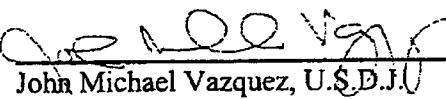
have a degree by the time his applications were considered. DSOMF ¶ 50. In other words, Plaintiff acknowledges that he lied when he indicated (on three separate occasions) that he had his college degree.

No reasonable jury could conclude that this evidence rebuts Defendant's legitimate reasons for referring Plaintiff to the Inspection Division. Plaintiff does not deny that either act occurred, rather he simply attempts to minimize his improper behavior. In addition, as discussed, Plaintiff made his initial overtime complaint in 2007, and filed his EEO complaint in 2008. While Plaintiff clearly believes otherwise, Defendant establishes that Plaintiff continued to work at the FBI. Plaintiff himself made multiple employees aware of his EEO matter, DSOMF ¶¶ 28-29, and employees, including Ward, participated in or were aware of a two-week EEO investigation in June 2010, *id.* ¶¶ 109-10. Yet, Ward did not refer Plaintiff to the Investigation Division until March 14, 2011, *id.* ¶ 19, approximately four years after Plaintiff's whistleblowing activity first occurred. And critically, Ward's reasons for the referral were well documented. As explained in Ward's Referral Memo, Ward referred Plaintiff to the Inspection Division after a long pattern of documented insubordinate behavior and misconduct. *See* Meyler Decl. Ex. 8. As to Plaintiff's multiple misstatements concerning his educational background, Plaintiff provides no authority that such improper conduct cannot form the basis of a dismissal. Thus, no reasonable jury could conclude that Plaintiff's evidence demonstrates that his EEO matter was the real reason for the referral. Summary judgment, therefore, is granted to Defendant as to this retaliation claim.

**IV. CONCLUSION**

For the reasons set forth above, Defendant's motion for summary judgment (D.E. 135) is **GRANTED** and this matter is **DISMISSED**. An appropriate Order accompanies this Opinion.

Dated: August 5, 2020



John Michael Vazquez, U.S.D.J.

20A

UNITED STATES OF AMERICA  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
PHILADELPHIA DISTRICT OFFICE

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JAMESON ROSADO,

Complainant,

vs.

EEOC Case No.

530-2012-00235X

Agency Case No.

F-III-00222

CAJ: Hon. Francis A. Polito

ERIC H. HOLDER, JR., ATTORNEY GENERAL,  
U.S. DEPARTMENT OF JUSTICE (FBI),

Agency.

-----X

DATE: Tuesday, September 9, 2014

TIME: 12:03 p.m. *Received Oct. 27, 2014*

Issuance of decision on the record of Jameson Rosado called for by counsel for the Agency, pursuant to notice, held at the offices of United States of America Equal Employment Opportunity Commission, Philadelphia District Office, 801 Market Street, Penn House, Suite 1300, Philadelphia, Pennsylvania, before Danielle E. Brand, Court Reporter of Capital Reporting Company, a Notary Public in and for the Commonwealth of Pennsylvania.

Capital Reporting Company

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1 APPEARANCES

2 On behalf of Agency (via telephone):

3 MARLON MARTINEZ, ESQUIRE  
4 Agency Representative  
4 Federal Bureau of Investigation  
5 935 Pennsylvania Avenue, Northwest  
5 Washington, DC 20535  
5 (202) 220-9321

6

7 ALSO PRESENT:

Jameson Rosado (via telephone)

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1 ISSUANCE OF DECISION ON THE RECORD OF J. ROSADO

2 JUDGE POLITICO: We're going on the record.

3 We are reconvening in the matter of Jameson Rosado,

4 Complainant, versus Eric Holder, Jr., Attorney

5 General, U.S. Department of Justice. This is EEOC

6 Case Number 530-20121-00235X. It's Agency Case

7 Number F-II-00222. My names is Francis Polito. I'm

8 an Administrative Judge with the Equal Employment

9 Opportunity Commission, and this is my decision in

10 the case.

11 The Complainant filed a Complaint of

12 Discrimination alleging that the Agency discriminated

13 against him based on reprisal when 1) the Inspection

14 Division expanded its internal investigation to

15 include instances of the Complainant providing false

16 information on Agency employment applications; and 2)

17 Complainant was advised that he was scheduled to

18 undergo a fitness for duty evaluation.

19 The Complainant met all procedural

20 prerequisites regarding this Complaint; therefore,

21 pursuant to section 1614.109 of the Commissions'

22 regulations, a hearing was conducted on June 24 and

23 July 15, 2014 in Philadelphia.

24 The Complainant represented himself in the

25 matter. The Agency was represented by Attorney

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1 Marlon ~~RECORDED ON THE RECORD~~ *HP*  
2 ~~ROGADO~~ Martinez. Eight witnesses, including the  
3 Complainant, testified at the hearing. The complete  
4 Complaint files, hereinafter referred to as the ROI  
5 which is short for Record Of Investigation, is part  
6 of the record for me to consider.

7 The circumstances surrounding the instant  
8 Complaint are as follows: The Complainant  
9 entered on duty with the FBI on April 5, 1992. He  
10 served in the Newark Field Office his entire career.

11 In the summer of 2007, the Complainant  
12 applied and reapplied to be a Special Agent with the  
13 FBI through the Quick-hire application process. The  
14 Complainant did not have a four-year college degree,  
15 one of the requirements for the position.

16 In 2010, the Complainant initiated an EEO  
17 <sup>2007, Not 2010</sup> action against the FBI in which he sought as one of  
18 the corrective actions to be able to "go through the  
19 Special Agent application process and get an  
20 appointment to the New York Office as a Special  
21 Agent."

22 In April of 2010, Michael B. Ward became  
23 Special Agent in Charge of the FBI's Newark Office.  
24 Very soon after he took over as Special Agent in  
25 Charge, the Complainant initiated interaction with

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5

Not  
true

1 him ISSUANCE OF DECISION ON THE RECORD OF O. ROSADO  
2 on several occasions via e-mail and in one-on-one  
3 meetings regarding the Complainant's EEO Complaint  
4 and his desire to be a Special Agent. In particular,  
5 on April 1, 2010, the Complainant met with Ward and  
6 told him about his pending Complaint.

7 The Complainant later sent a series of  
8 three e-mails to Special Agent in Charge Ward on  
9 October 4, 2010, February 22, 2011, and March 9,  
10 2011, stating that he could not be held responsible  
11 for performance issues if the Agency refused to  
12 settle his prior EEO Complaints. See ROI Exhibit 25.  
13 In response to the Complainant's second e-mail,  
14 Special Agent in Charge

15 Ward stated the following in an e-mail to Complainant:  
16 "Like every other employee in the Newark Division,  
17 and the FBI for that matter, you absolutely do hold a  
18 significant degree of responsibility and ownership  
19 for performance-related issues. Regardless of what  
20 happens in your EEO case, you are expected to  
21 successfully fulfill the day-to-day duties and  
22 responsibilities of your position.

23 Your comment that you cannot be responsible  
24 for performance-related issues if the Bureau doesn't  
25 settle your Complaint to your satisfaction is an

re-address  
last official  
perf ratings  
Successful

Not  
true

re-address  
(last le work env)

1 obvious threat and, thus, unacceptable. You will

2 ~~XXXXXXXXXXXXXX~~ *JK*

3 "continues" to be held accountable for your work

4 performance.

5 During his testimony at hearing, Mr. Ward

6 stated that his use of the term threat concerned the

7 Complainant's attempt to hold the EEO Complaint out

8 as a reason for him not to do his job. The

9 Complainant told Ward that he would not do his job

10 until the Agency settled the Complainant's Complaint.

11 It is in that context that Ward used the term threat.

12 After the Complainant's third e-mail, Ward

13 stated that despite the warning the Complainant sent

14 a third e-mail asserting once again that he could not

15 be held responsible for his work product. After

16 receiving the third e-mail Special Agent in Charge

17 Ward referred the Complainant to the Inspection

18 Division for insubordination on March 14, 2011. Ward

19 indicated, among other facts, that the Complainant

20 had an obsession with becoming an FBI Special Agent

21 despite, lacking the minimal education necessary to

22 apply for the job.

23 On or about June 1, 2011, Supervisory

24 Special Agent Amanda Moran of the FBI's Inspection

25 Division began the investigation regarding the

*(As perf.  
Ratings indicate  
1 job at  
being done,  
2 perf. NOT AT  
Issue.)*

*Very  
disconcerting  
from the  
Judge*

1 Complainant's insubordination. On or about June 3,  
2 ~~XXXXXXXXXXXXXX~~ 2011, *AP*  
3 Special Agent Moran informed the Newark Field Office  
4 that she had expanded the investigation to include  
5 providing false or misleading information regarding  
6 the Complainant's reapplication in the FBI's Quick-  
7 hire system in 2008 at which time he indicated he had  
8 a four-year college degree.

9 On February 18, 2011, the Complainant e-  
10 mailed Special Agent in Charge Ward to inform him  
11 that the Complainant planned to contact Director  
12 Mueller regarding his EEO complaint. On June 10,  
13 2011, the Complainant e-mailed Director Mueller and  
14 Deputy Director Timothy Murphy regarding the  
15 Complainant's EEO activity. The e-mails also  
16 contained an account of the Complainant's personal  
17 problems for which he held the FBI responsible, e.g.,  
18 his house being repossessed, his wife having a  
19 breakdown and his weight gain requiring gastric  
20 bypass surgery. See ROI Exhibit 37.

*This was  
at this point,  
completely  
misstated  
by BTH  
The NH Division  
of HQ  
Inaccurate*

21 On June 13, 2011, TJ Harrington of Director  
22 Mueller's office informed the Human Resources and  
23 Security Divisions regarding Complainant's e-mail to  
24 the Director, Complainant's fitness for duty and the  
25 Complainant's potential security risk. See ROI

1 Exhibit 38. Harrington's e-mail correspondence to

2 ~~XXXXXXXXXXXXXXXXXXXXXX~~

3 Human Resources and the Security Division

4 stated as follows: "On Friday evening, Jameson  
5 Rosado sent Director Mueller and District Director  
6 Murphy an e-mail to discuss his EEO concerns and  
7 personnel challenges in the Newark Office. I spoke  
8 with Special

9 Agent in Charge Mike Ward on Friday to  
10 review the situation. In my review of the e-mail  
11 that was sent by Mr. Rosado, it is clear that we have  
12 a troubled employee. He indicates he has recently  
*for working in a hostile wk env.*  
13 lost his house and he expects to be terminated. My  
14 immediate thoughts jump to his potential as a threat  
15 to the workplace and his security risks. I would  
16 like to get together to discuss how we support the  
17 Newark Office in this situation and ensure a safe  
18 working environment for our personnel. It would  
19 appear to me that we should have a three-pronged  
20 approach on this individual: Is he fit for duty, is  
21 *No* he a security risk, and is he capable of doing his  
22 work assignments?" That's the end of the quotation.

23 On or about August 30, 2011, Complainant  
24 made the following statement while at Newark Field  
25 Office: "You know how Hurricane Irene was.

1 Well, Hurricane Jamie will be worse. Wait until

2 September 30th." *→ The date was never mentioned*

3 ~~EX-3~~ XXXXXXXXX

4 According to the Complainant, there was a  
4 proceeding *NOT true* ~~proceeding~~ scheduled for his EEO case on September 30  
6 and that is what he referred to when he made this  
7 statement. There is support for this in the record;  
8 however, some employees who heard the statement were  
9 not aware of the date of the Complainant's EEO  
10 matter.

11 Jasmine Ramos testified that she believed  
12 that the Complainant was referring to a recreational  
13 event known as Support Appreciation Day held by the  
14 Agency on September 30th. On Support Appreciation  
15 Day employees would meet at a gun range and were  
16 allowed to fire weapons. Ramos was fearful about the  
17 Complainant's comments and reported what she heard to  
18 Special Agent John Ochs who reported it to the  
19 Complainant's superiors. *1) after several days 2) parties indicate no*

20 Or on about September 14, 2011, the Newark *Threat was*  
21 Field Office contacted Human Resources Office of *made*  
22 Medical Services regarding the Complainant and the  
23 issue of fitness for duty. On or about September  
24 19th of 2011, the Office of Medical Services at the  
25 FBI Headquarters informed the Complainant that he

1 would be required to undergo a psychiatric and  
2 psychological examination in Washington, DC on

3 September 27, 2011 and Fairfax, Virginia on September  
4 28, 2011. *I did not concur, but accommodated them.*

5 ~~REASONABLE DECISION ON THE RECORD~~ *JP*

6 On September 20, 2011, the Newark Field  
7 Office requested that the fitness for duty exam be  
8 rescheduled until well after September 30 in order  
9 not to impair the Complainant's ability to present  
10 his EEO case.

11 On or about November 10, 2011, the Office  
12 of Medical Services at FBI Headquarters informed the  
13 Complainant that he would be required to undergo the  
14 psychiatric and psychological exam in Maryland on  
15 December 5th and 6th of 2011. The Complainant was  
16 reimbursed by the FBI for his expenses.

17 The following is the law applicable to this  
18 case. The burdens of proof in discrimination cases  
19 are generally allocated according to the standard  
20 established in McDonnell Douglas Corp. v. Green, 411  
21 U.S. 792 (1973). This case set forth a three-tier  
22 test for determining whether there has been  
23 discrimination in violation in Title VII. The  
24 Complainant has the initial burden of showing actions  
25 taken by the employer from which one can infer, if

1 such actions remain unexplained, that it is more  
2 likely than not such actions were based on  
3 discriminatory criteria. See Texas Department of *Op*  
4 Community Affairs v. Burdine, 450 U.S. 248 (1981);  
5 ~~ISSUANCE OF DECISION ON THE RECORD OF XXXXXXXXX~~  
6 McDonnell Douglas Corp. v. Green, 411 U.S. 792  
7 (1973). If a prima facie case of discrimination has  
8 been established, the burden shifts to the Agency to  
9 articulate a legitimate, nondiscriminatory reason for  
10 the challenged action. Burdine, 450 U.S. at 253-4;  
11 McDonnell Douglas, 411 U.S. at 802. The Complainant  
12 may then show that the legitimate reason offered by  
13 the Agency was not the true reason, but merely a  
14 pretext for discrimination. Burdine at 256;  
15 McDonnell Douglas at 804. See also St. Mary's Honor  
16 Center v. Hicks, 113 S.Ct. 2742 (1993). The ultimate  
17 burden of persuading the trier of fact that the  
18 Agency discriminated against the Complainant always  
19 remains with the Complainant.  
20 As noted by the Court in Burdine, the  
21 factual circumstances necessarily vary in  
22 discrimination cases. Consequently, the courts have  
23 developed models for certain common situations to  
24 assist in determining whether a prima facie case has  
25 been established. See Burdine at 256, n. 6;

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1 McDonnell

2 Douglas at 802; n. 13. To establish a

3 ~~prima facie case of reprisal discrimination, the~~ *JK*

4 Complainant must establish that: 1) he had

5 previously engaged in protected activity; 2) the

6 employer Agency was aware ~~ISSUANCE OF DEPOSITION ON THE~~

7 ~~PROTECTION OF DEPOSITION ON THE~~ of the activity; 3) the

8 Complainant was subjected to adverse treatment by the

9 Agency or show that the Agency's actions would

10 reasonably deter the use of the EEO Process. See

11 EEOC Compliance Manual, No. 915.003 (May 20, 1998).

12 And 4) there is a causal nexus between the protected

13 activity and the adverse employment action, such as

14 proximity in time. See Hochstadt v. Worcester

15 Foundation for Experimental Biology Inc., 425 F.Supp.

16 318, aff'd, 545 F.2d 222 (1st. Cir. 1976); Burrus v.

17 Telephone Co. of Kansas, Inc., 683 F2d 339 (10th Cir.

18 1982), cert den., 459

19 U.S. 1071 (1982).

20 The following is my analysis applying the

21 law to the facts of this case, beginning with the

22 prima facie case of reprisal. The Complainant has

23 established a prima facie case of reprisal

24 discrimination. He has shown that he engaged in

25 protective activity before the events at issue took

1 place. Management was aware of his prior protected  
2 activity and now the Complainant raises EEO activity  
3 in meetings and e-mails with Special Agent in Charge  
4 Ward. Also, the Complainant was subsequently  
5 subjected to an investigation regarding his conduct  
6 and he was directed to sit for a fitness for duty

*AF*  
~~1888XXXXXXDEPOXXXXXXRECORDXXXXXX~~ exam.

8 Both of these actions could have a chilling effect on  
9 future EEO activity. For these reasons I find that  
10 the Complainant has established a prima facie case.

11 Notwithstanding the fact that the Complainant has  
12 established a prima facie case, I find that the  
13 Agency has established legitimate, nondiscriminatory  
14 reason for its actions and the Complainant has failed  
15 to show that the Agency's reasons are pretext for  
16 discrimination. The Agency asserts that it reacted  
17 to the Complainant's behavior in a reasonable manner.

18 The Complainant was in essence demanding that the  
19 head of the office, Special Agent in Charge Ward,  
20 settle his case; or he, the Complainant, would refuse  
21 to do his job. When Ward told the Complainant in no  
22 uncertain terms that he needed to stop making that  
23 pronouncement the Complainant continued in person and  
24 through e-mails.

25 In addition, the Complainant approached

*Willy  
re-advised*

*NOT  
true*

1 Ward more than once regarding the terms of the  
2 settlement that he envisioned. He wanted to be a  
3 Special Agent; although, he did not have the required  
4 education.

5 I credit Ward's testimony wherein in  
6 essence he states that he had reached a limit with  
7 the Complainant and finally sent the matter to the  
8 ~~EXCERPT OF PROPOSITION OF RECORDS~~ *JP*  
9 Inspection Division regarding the Complainant's  
10 insubordination. The Complainant asserts that the  
11 investigation was used as a vehicle to attack him on  
12 an unrelated matter, i.e., his application for  
13 Special Agent which contained falsified education  
14 credentials; however, the record shows that the  
15 Complainant raised this issue of his nonselection to  
16 the Special Agent positions on several occasions with  
17 Ward. The investigator did not need to go on a  
18 fishing expedition to reach the issue of the  
19 Complainant's educational qualifications for the  
20 Special Agent position. The Complainant offers no  
21 further reliable evidence to show that the Agency's  
22 reason for its actions on this claim are a pretext  
23 for discrimination.

24 Regarding the referral of the Complainant  
25 for a fitness for duty exam, the Agency asserts that

1 concerns about the Complainant's mental health and  
2 its potential security risk were initiated in FBI  
3 Headquarters after the Complainant e-mailed Director  
4 Mueller about his EEO Complaint and some personal  
5 concerns.

6 Within a few months, the Complainant also  
7 caused an uproar at the office when he referenced  
8 ~~DISABILITY OF DEPARTMENT OF THE RECORDS OF ROBERT~~ *jt*  
9 Hurricane Jamie and told coworkers that in essence it  
10 would strike on September 30. Although the  
11 Complainant was referring to his EEO hearing on that  
12 day, his unprofessional and outlandish conduct  
13 created additional concern for the safety of the  
14 office. In response, the Agency scheduled the  
15 Complainant for a fitness for duty exam. The  
16 Complainant has not offered evidence to show that the  
17 Agency's reasons for its actions were a pretext for  
18 discrimination.

19 In conclusion, I find that the Agency did  
20 not unlawfully retaliate against the Complainant.  
21 That's the end of the decision. Any questions before  
22 I hang up from you? No?

23 MR. MARTINEZ: Thank you.

JUDGE POLITO: Okay. Thank you very much.

25 (Whereupon, at 12:22 p.m., the issuance of

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1                   decision on the record of Jameson Rosado  
2                   was concluded.)

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*Joan A. Peltz*  
Administrative Judge

Capital Reporting Company

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1 C E R T I F I C A T E

2 I, DANIELLE E. BRAND, a Court Reporter and  
3 Notary Public, within and for the Commonwealth of  
4 Pennsylvania, do hereby certify:

5 That the issuance of decision on the record of  
6 JAMESON ROSADO, is a true record of Judge Francis  
7 Polito.

8 I further certify that I am not related to any  
9 of the parties to this action by blood or marriage  
10 and that I am in no way interested in the outcome of  
11 this matter.

12 IN WITNESS WHEREOF, I have hereunto set my  
13 hand this 15th day of September, 2014.

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18 DANIELLE E. BRAND, COURT REPORTER

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23 My Commission Expires: August 11, 2015

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Dennis McFadden  
Chief of Police

**Carteret Police Department**  
**230 Roosevelt Avenue**  
**Carteret, N.J. 07008**  
**(732) 541-3870**  
**Fax, 732-541-1894**



Date: January 12, 2021

Re: State vs. Jamson Rosado

Complaint/Summons: W-2020-354

Incident # I-2020-041033

Attorney: Law Office Of Weisburg & Clavber LLC

\*\*\*PLEASE DIRECT ALL REQUESTS FOR DISCOVERY DIRECT TO THE CARTERET MUNICIPAL  
PROSECUTOR'S OFFICE 230 ROOSEVELT AVE CARTERT, NJ 07008\*\*\*

With regards to your request for discovery, please find the following items enclosed:

**Discovery Protocol**

2	Summon/Complaint	Certified Abstract
2	Arrest Report	License/Registration/Insurance Card
2	Investigation Report	Towed Auto Vehicle Sheet
	Supplemental Investigation Report	Radar Sheet
2	CAD Report	Instrument Certificate of Accuracy
6	Evidence Control Sheet	HGN Card
	Miranda Cards/Consent to Search	1 BWC/MVR/Video/Audio/CD-R/ 911
	Prisoner Cards	Booking Room Video Footage
	Prisoner Property Sheet	Examination of Evidence Receipt
	Accident Report	Lab Return Receipt
	New Jersey Police Crash Investigation Report	Results of Lab Analysis
	Victim Property Loss Report	Radio Dispatch

**Misc. /Notes:** Please be advised should Audio, Video, and BWC be available it will be forwarded upon receipt. The BWC must be in compliance with the Attorney General Guide Line before releasing. Lab report will be forwarded upon receipt.

39A

## CARTERET POLICE

230 ROOSEVELT AVENUE  
CARTERET, NJ 07008  
1-32-541-4181

## ADULT ARREST REPORT

Municipal Code: 1201  
CRI: NJ0120100

INCIDENT # I-2020- 041033	CALL TYPE Outside Agency Assist - Assist Outside Agency	DATE REPORTED 08/07/2020	TIME REPORTED 14:14	INCIDENT LOCATION Carteret Police Department - 230 ROOSEVELT AVE, CARTERET BORO NJ 07008	INCIDENT # I-2020-041033  DATE 8/7/2020			
DEFENDANT INFORMATION		ARREST NUMBER						
LAST NAME ROSADO		FIRST NAME JAMESON	MI	SUFFIX				
ALIAS/NICKNAMES ROSADO, JIMIE		ALTERNATE PHONE		CELL PHONE / PAGER 201-978-0574				
DEFENDANT'S ADDRESS (#, STREET NAME) 58 BEAUL ST		UNIT TYPE	UNIT #	CITY CARTERET BORO		STATE NJ	ZIP 07008	
SEX M	RACE WHITE	DOB	AGE 47	SOCIAL SECURITY #		HEIGHT (IN / IN) 5' 6"	WEIGHT 235	
HAIR COLOR BRO	EYE COLOR BRO	COMPLEXION LGT	MARITAL STATUS Married	ETHNICITY HISPANIC		US CITIZEN X	RESIDENCY STATUS Resident	
PLACE OF BIRTH (CITY) JERSEY CITY	STATE (COUNTRY IF NOT BORN IN US) NEW JERSEY	SCARS / MARKS / TATTOOS JESUS LEFT FOREARM						
SBI # 9631288	FBI #	CBI #	DRIVER'S LICENSE #			DIL STATE	DIL EXPIRE	
EMPLOYER / SCHOOL UNEMPLOYED		OCCUPATION / GRADE	PHONE	ADDRESS (#, STREET NAME, CITY, STATE, ZIP)				
NAME OF NEAREST RELATIVE ROSADO, DAMARIS		RELATIONSHIP WIFE	PHONE 732-366-4534	ADDRESS (#, STREET NAME, CITY, STATE, ZIP) 58 BEAUL ST CARTERET BORO NJ 07008				
ARREST DETAILS		<input checked="" type="checkbox"/> WARRANT <input type="checkbox"/> ON VIEW ARREST <input type="checkbox"/> SUMMONS		<input type="checkbox"/> PHOTOGRAPHED <input checked="" type="checkbox"/> FINGERPRINTED				
TYPE OF WARRANT Arrest Warrant		AGENCY'S OCA CARTERET POLICE	LOCATION OF ARREST 58 BEAUL ST, CARTERET BORO, NJ 07008			DATE / TIME OF ARREST 8/13/2020 21:45		
VCIC WANTS ATIS / ACS WANTS	Y	IF WANTED, NAME OF AGENCY CARTERET	AGENCY'S OCA 1201	WARRANT # W-2020-000354	DATE/TIME CONFIRMED 08/13/2020 21:45	PERSON CONFIRMING WARRANT DISPATCH		
MIRANDA GIVEN	X	MIRANDA GIVEN BY (RANK, LAST, FIRST, ID#)		DATE/TIME GIVEN		WITNESSED BY (RANK, LAST, FIRST, ID#)		
						STATEMENT GIVEN None		
OFFENSE DETAILS				<input type="checkbox"/> GANG RELATED		<input type="checkbox"/> BIAS MOTIVATION		
1 CDR # / M. V. SUMMONS # W-2020-000354		OFFENSE HARASSMENT				N.J. STATUTE / ORDINANCE 2C:33-4		
2								
3								
LOCATION OF OFFENSE (#, STREET NAME, UNIT TYPE, UNIT #, CITY, STATE, ZIP) 58 BEAUL ST, CARTERET BORO NJ 07008				DATE / TIME OF OFFENSE 8/10/2020 15:07		MUNICIPAL CODE 1201	UCR CODE	
COMPLAINANT <input checked="" type="checkbox"/> OFFICER <input type="checkbox"/> VICTIM	LAST NAME KELLY		FIRST NAME MICHAEL	POLICE AGENCY/ADDRESS 230 ROOSEVELT AVE CARTERET BORO, NJ 07008			AGENCY / VICTIM PHONE 732-541-4181	
VEHICLE INFORMATION				<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OWNER SAME AS DEFENDANT		<input type="checkbox"/> VEHICLE IMPOUNDED		
VEHICLE MAKE	MODEL	YEAR	COLOR	LICENSE PLATE	STATE REG.	REG. EXPIRE	VIN	
								
NARRATIVE / ADDITIONAL CHARGES								
****Non-Veteran****								
The above listed defendant was arrested on strength of warrant W-2020-000354. The defendant was processed accordingly, fingerprinted and ROR'd pending court. See...								
ADMINISTRATIVE								
A-15 <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	AFIS ID MATCHES DEFENDANT <input type="checkbox"/> YES <input type="checkbox"/> NO		BAIL SET BY NONE		DATE/TIME BAIL SET		CASH BAIL AMOUNT	SURETY BOND
ADDITIONAL CONDITIONS OF BAIL			DISPOSITION OF DEFENDANT Released ROR			BAIL PLACED IN PROPERTY LOCKER #		
SUBMITTING OFFICER'S SIGNATURE			DATE 8/13/2020		SUPERVISOR'S SIGNATURE			DATE
REPORT SUBMITTED BY (RANK, LAST, FIRST, ID#) PO. KELLY, MICHAEL				REPORT APPROVED BY (RANK, LAST, FIRST, ID#) I.T. KELLY, JAMES				
				122				

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## CARTERET POLICE

230 RODSEVELT AVENUE

CARTERET, NJ 07008

732-541-4181

## **EVIDENCE CONTROL SHEET**

**Municipal Code: 1201**

ORI: NJ0120100

732-541-4181			
INCIDENT # I-2020-041033	DATE RECOVERED Aug 13, 2020	OFFICER SUBMITTING EVIDENCE PO. KELLY, MICHAEL	EVIDENCE CONTROL #
ACTOR ROSADO, JAMESON	VICTIM	CRIME / NATURE OF EVENT Harassment - Harassment	

## EVIDENCE SUBMISSION

INITIAL PLACEMENT OF EVIDENCE	DET. RECEIVING EVIDENCE	DATE/TIME RECEIVED
Drop Locker		

## COMMENTS

The below listed items were delivered to headquarters as an investigative packet by The United States Marshal Service. The items were labeled and placed into evidence accordingly.

## **EVIDENCE INVENTORY**

41A

## CARTERET POLICE

230 ROOSEVELT AVENUE

CARTERET, NJ 07008

732-541-4181

## **EVIDENCE CONTROL SHEET**

**Municipal Code: 1201**

ORI: NJ0120100

737-541-4181			
INCIDENT # I-2020-041033	DATE RECOVERED Aug 13, 2020	OFFICER SUBMITTING EVIDENCE PO. KELLY, MICHAEL	EVIDENCE CONTROL #
ACTOR ROSADO, JAMESON	VICTIM STATE OF NEW JERSEY	CRIME / NATURE OF EVENT Harassment - Harassment	

## EVIDENCE SUBMISSION

### COMMENTS

The below listed firearms and ammunition were seized during the execution of a TERPO search warrant. The firearms were placed into evidence. All items were left cleared and safe in the lock box for safe keeping.

## EVIDENCE INVENTORY

42A

## CARTERET POLICE

230 ROOSEVELT AVENUE

CARTERET, NJ 07008

732-541-4181

## **EVIDENCE CONTROL SHEET**

**Municipal Code: 1201**

ORI: NJ0120100

732-641-4181			
INCIDENT # I-2020-041033	DATE RECOVERED Aug 17, 2020	OFFICER SUBMITTING EVIDENCE CLERK. TARDIFF, STEPHEN	EVIDENCE CONTROL #
ACTOR ROSADO, JAMESON	VICTIM STATE OF NEW JERSEY	CRIME / NATURE OF EVENT Harassment - Harassment	

## **EVIDENCE SUBMISSION**

INITIAL PLACEMENT OF EVIDENCE : DET. RECEIVING EVIDENCE : DATE/TIME RECEIVED :

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**COMMENTS**

BWC 60,78,97 footage  
Booking Room footage

## **EVIDENCE INVENTORY**

## CARTERET POLICE

## INVESTIGATION REPORT

Complaint Number I-2020-041033	Mun. Code 1201	Phone Number 732-541-4181	UCR	Prosecutor's Case Number				Department Case Number				
Crime / Incident HARASSMENT		NJS 2C:33-4	Victim (a) DICKSON, JOSEPH Victim Home Address (Number, Street, City, State, Zip) 50 WALNUT ST NEWARK	Social Security No.	DOB	Sex M	Race UNKNOWN	Origin U				
			Victim (b) Victim Home Address (Number, Street, City, State, Zip)	Social Security No.	DOB	Sex	Race	Origin				
DATE AND TIME	Between <input type="checkbox"/>	Hour 15:07	Day 07	Month 08	Date 08/07/2020	Year 2020	Victim (c) Victim Home Address (Number, Street, City, State, Zip)	Social Security No.	DOB	Sex	Race	Origin
Crime / Incident Location (Number, Street) 230 ROOSEVELT AVE							EMPLOYER				Phone	
MUNICIPALITY CARTERET			County MIDDLESEX	Code 1201	Person Reporting Crime / Incident SANSEVERINO, JERRY				Date and Time 08/13/2020 16:00			
Type Of Premises HEADQUARTERS		Code N/A	Weapons - Tools N/A	Code N/A	Address (Number, Street, City, State) 50 WALNUT ST.	NEWARK	NJ	Phone 973-645-2399				
MODUS OPERANDI SEE NARRATIVE												
VEHICLE INFO	Status			Year	Make	Model	Body Type	Color	Registration Number	State	Serial Number or Identification	
VALUE PROPERTY STOLEN	Currency		Jewelry		Furs		Clothing		Auto		Miscellaneous	
Total Value Stolen \$0.00	Total Value Recovered N/A			Technical Services N/A				Technician / Agency N/A				
NCIC Number N/A	<input type="checkbox"/> Active <input type="checkbox"/> Recovered <input type="checkbox"/> Cancellation			Detective(s) Assigned						Weather HOT/HUMID		
Other Officers at Scene SGT. DOMINGUEZ												
Involved Persons      CODES:      W - Witness      C - Complainant      S - Suspect      I - Involved      A - Arrest												
Code A	Name ROSADO, JAMESON		Address 58 HEALD ST, CARTERET BORO, NJ 07008				Phone 732-366-4534	DOB	Age 47	Sex M	Race WHITE	
Code I	Name SANSEVERINO, JERRY		Address 50 WALNUT ST. SUITE 2009, NEWARK, NJ 07102				Phone 973-645-2399	DOB	Age	Sex	Race UNKNOWN	
Code	Name		Address				Phone	DOB	Age	Sex	Race	
Code	Name		Address				Phone	DOB	Age	Sex	Race	
No. of Accused 1		Adult 1	Juvenile	Status Crime		Status Case		UCR Status Month Yr.			Date Cleared	

## NARRATIVE

On the above date and time, Senior Inspector Jerry Sanseverino of The United States Marshal Service responded to headquarters to speak with Sgt. Dominguez. Inspector Sanseverino stated he was currently investigating, Jameson Rosado, regarding harassing a United States Federal Court Judge. Inspector Sanseverino advised the incident stems from Jameson being terminated from the FBI approximately 8 years ago. Jameson filed a wrongful termination suit which was recently dismissed by the victim. According to Inspector Sanseverino, Jameson was displeased with the ruling of Judge J.D. and continued to leave messages on his voicemail.

Inspector Sanseverino stated on 08/07/2020 he responded to Jameson's residence at 58 Heald St. to conduct an interview. While on scene, Inspector Sanseverino advised Jameson he cannot continue to contact the judge via telephone. Inspector Sanseverino stated he received notification that Jameson disregarded his orders and left another voicemail on the judge's phone. Inspector Sanseverino stated the message left on the judge's voicemail was deemed alarming and charges were to be filed. The message left on the judge's voicemail was burned onto a CD.

Name Signature PO. KELLY, MICHAEL	Badge Number 190	Page 1 Of 2	Date of Report 08/13/2020	Reviewed By LT. HART, JAMES	122
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## CARTERET POLICE

## INVESTIGATION REPORT

Complaint Number	Mun. Code	Phone Number	UCR	Prosecutor's Case Number	Department Case Number
I-2020-041033	1201	732-541-4181			

and provided to this officer for evidence purposes. I personally listed to the voicemail, at which time I could hear Jameson ask for Judge J.D. and advise him that U.S. Marshal's came to his residence and to "don't do that again". The CD was tagged and placed into evidence for safe keeping.

Investigator Sansevarino warned that Jameson was deemed a security threat by the FBI, and was known to lash out at the judge during his court proceedings. Investigator Sanseverino stated he believes Jameson does have some anger issues and that he may become a threat to Judge J.D. Investigator Sanseverino stated, Jameson was currently in possession of two registered firearms, but may have four in total. A check of the firearm registry yielded four firearms under Jameson's name. Jameson was found to possess one 9mm Glock 19, TCH384, one 45 Cal. Glock 30LE MKM946, one 45 Cal. Glock 36, DWN846, and one 9mm Glock 26 ENH500US. The Glock 36 and 26 were confirmed to be sold by the NJ State Police.

After speaking with Inspector Sanseverino, I spoke with AP Dize who was advised of the incident. AP Dize approved the charge of harassment to be placed on a warrant for Jameson. AP Dize further stated to petition for a TERPO do to the possible threat posed by Jameson. Judge William Feingold was contacted and approved warrant W-2020-000354 and the TERPO application.

I responded to 58 Heald St. where Jameson was placed under arrest for the warrant and transported to headquarters. Jameson was processed accordingly and released ROR. Jameson was issued a no contact order against the victim and was advised to contact courts first thing in the morning for a follow up date. A search of the residence recovered the Glock 19, and 30LE, as well as two boxes of 45 cal. ammo, two boxes of 9mm ammo, 5 pistol magazines, and the defendant's Fire Arms ID Card. The items recovered were tagged and placed into evidence for safe keeping.

Name	Badge Number	Page	Date of Report	Reviewed By
Signature PO. KELLY, MICHAEL	190	2 of 2	08/13/2020	LT. HART, JAMES

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# CARTERET POLICE DEPARTMENT

230 ROOSEVELT AVENUE CARTERET, NJ 07008

Tel:732-541-4181

## Incident Summary

Dept Incident #: I-2020-041033 Department: CARTERET POLICE DEPARTMENT

Location: Carteret Police Department - 230 ROOSEVELT AVE, CARTERET BORO, NJ 07008

Bureau: Initial Call: Police Information / Police Information

Sector: Final Call: Outside Agency Assist / Assist Outside Agency

Call Entry Time: 08/07/2020 14:15:11 Incident Status: CLEARED

First Unit Dispatched: 08/07/2020 14:15:17 Last Unit Cleared: 08/07/2020 15:02:08

Call Time: 08/07/2020 14:14:48 Call Disposition: CLO / CLOSED

Call Taker : simmsv Call Origination: PHONE / TELEPHONE

Primary Unit: 2-PATROL CC#:

Initial Narrative: US MARSHALS IN THE LOBBY TO SPEAK WITH SHIT SUPERVISOR

Final Narrative: SGT. STENTELLA AND OFFICER HIGGINS RESPONDED TO 58 HEALD STREET WITH THE U.S. MARSHALS OFFICE TO SPEAK WITH JAMESON ROSADO IN REGARDS TO ALARMING VOICE MAILS THAT HE LEFT. SENIOR INSPECTOR JERRY SANSEVERINO (973) 645-2399 AND THREE MEMBERS OF HIS TEAM SPOKE WITH JAMESON AND LATER CLEARED WITHOUT INCIDENT.

## Time Stamp Information:

Time Stamp / Record	Create Date	Notice	Created By
NARRATIVE	08/07/2020 14:31:07	CAR 17/CAR 23 58 HEALD STREET	simmsv
NARRATIVE	08/07/2020 15:02:54	17- CLR GOING TO 10-2 W/ THE MARSHAL'S	ONDICKG
Reviewed By OIC	08/07/2020 15:30:29		stentellapa

## Officer Dispatch:

Dispatch Location	Unit	Officer Name	Vehicle	Date	Dispatch Priority	Arrival	Cleared	Total Time	Officer
Carteret Police Department - 230 ROOSEVELT AVE, CARTERET BORO NJ 07008	23-PATR OL	HIGGINS, WILLIAM	NONE-PD	08/07/2020	14:15:17	14:15:18	14:24:09	15:02:08 46:51	
Carteret Police Department - 230 ROOSEVELT AVE, CARTERET BORO NJ 07008	17-PATR OL	STENTELLA, PAUL	NONE-PD	08/07/2020	15:02:01	15:02:02	15:02:04	15:02:08 0:7	

Body Cam

✓ 15 12:00

Min

26 min

MISSING

## Party Information:

Party Name	Role Code	DOB	Phone Number	Alt Phone Number
DICKSON, JOSEPH	Victim			

HOME UNITED STATES DISTRICT COURT - 50 WALNUT ST FLOOR 4, NEWARK NJ 07102

KELLY, MICHAEL G JR OTHER 10/21/1993  
HOME Carteret Police Department - 230 ROOSEVELT AVE, 732-541-4181  
CARTERET BORO NJ 07008

ROSADO, DAMARIS Family Member 10/19/1958  
HOME 58 HEALD ST, CARTERET BORO NJ 07008 732-366-4534

ROSADO, JAMESON Actor

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# CARTERET POLICE DEPARTMENT

230 ROOSEVELT AVENUE CARTERET, NJ 07008

Tel: 732-541-4181

ROSADO, JAMESON Actor  
 HOME 58 HEALD ST, CARTERET BORO NJ 07008 732-366-4534  
 WORK UNEMPLOYED -

ROSADO, JAMESON Arrested  
 HOME 58 HEALD ST, CARTERET BORO NJ 07008 732-366-4534  
 WORK UNEMPLOYED -

ROSADO, JAMIE Alias

SANSEVERINO, JERRY INVOLVED PERSON  
 HOME UNITED STATES MARSHAL SERVICE - 50 973-645-2399  
 WALNUT ST. SUITE 2009, NEWARK NJ 07102

SANSEVERINO, JERRY Person Reported Incident  
 HOME UNITED STATES MARSHAL SERVICE - 50 973-645-2399  
 WALNUT ST. SUITE 2009, NEWARK NJ 07102

STATE OF NEW JERSEY Victim  
 HOME 230 ROOSEVELT AVENUE, CARTERET NJ 07008 732-541-4181

STATE OF NEW JERSEY Victim

#### Article Information:

Serial#	Color	Manufacturer	Serial#	Description
				CD OF MESSAGE LEFT ON VICTIMS VOICEMAIL
				35 PAGE DOCUMENTATION REGARDING DEFENDANTS SUIT
				9 MM GLOCK 19
				45 CAL GLOCK 30LE
				BOXES OF WINCHESTER 45 CAL AMMUNITION
				BOXES OF AMERICAN EAGLE 9 MM AMMUNITION
				NJ FID BELONGING TO DEFENDANT
				PISTOL MAGAZINES W/HOLSTER
				BLACK BRINKS SECURITY LOCK BOX
				LEATHER PISTOL HOLSTER
				DVD OF BWC & BOOKING ROOM FOOTAGE "ORIGINAL"

#### Cross Reference Incident Information:

Report#	Incident Date	Call Type	Location
I-2020-042351	08/13/2020 21:32	Arrest	58 HEALD ST, CARTERET BORO NJ 07008

# COMPLAINT - WARRANT

COMPLAINT NUMBER				THE STATE OF NEW JERSEY			
1201	W	2020	000354	VS.			
COURT CODE: PREP'X: YEAR: SEQUENCE NO.				JAMESON ROSADO			
CARTERET MUNICIPAL COURT 230 ROOSEVELT AVENUE CARTERET NJ 07008-0000 732-541-3900 COUNTY OF: MIDDLESEX				ADDRESS: 58 HEALD ST CARTERET NJ 07008-0000			
# of CHARGES 1	CO-DEFTS	POLICE CASE #:	2020041033	DEFENDANT INFORMATION SEX: M EYE COLOR: DRIVER'S LIC. #: SOCIAL SECURITY #: TELEPHONE #: LIVESCAN PCN #:			
COMPLAINANT NAME: MICHAEL KELLY				DOB: SBI #: DL STATE: ( )			

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 08/10/2020 in CARTERET BORO, MIDDLESEX County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, WITH PURPOSE TO HARASS ANOTHER, THE ABOVE LISTED DEFENDANT MADE COMMUNICATIONS IN A MANNER LIKELY TO CAUSE ANNOYANCE OR ALARM, SPECIFICALLY BY LEAVING AN ALARMING MESSAGE ON A FEDERAL JUDGE'S VOICEMAIL AFTER BEING ADVISED BY THE UNITED STATES MARSHAL SERVICE OF THE PROPER COMMUNICATION CHANNELS TO CONTACT THE FEDERAL JUDGE IN VIOLATION OF 2C:33-4A

**in violation of:**

Original Charge	1) 2C:33-4A	2)	3)
Amended Charge			

**CERTIFICATION:** I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment  
Signed: MICHAEL KELLY Date: 08/13/2020

You will be notified of your Central First Appearance/CJP date to be held at the Superior Court in the county of MIDDLESEX at the following address: MIDDLESEX SUPERIOR COURT  
56 PATERSON STREET  
Date of Arrest: Appearance Date: Time: Phone: 732-645-4300

## PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT

Probable cause IS NOT found for the issuance of this complaint.

\_\_\_\_\_  
Signature of Court Administrator or Deputy Court Administrator Date \_\_\_\_\_  
\_\_\_\_\_  
Signature of Judge Date \_\_\_\_\_

Probable cause IS found for the issuance of this complaint. WILLIAM FEINGOLD JUDICIAL OFFICER 08/13/2020  
\_\_\_\_\_  
Signature and Title of Judicial Officer Issuing Warrant Date

TO ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT YOU ARE HEREBY COMMANDED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORTHWITH BEFORE THE COURT TO ANSWER THE COMPLAINT.

Bail Amount Set: \_\_\_\_\_ by: \_\_\_\_\_  
(if different from judicial officer that issued warrant)

<input type="checkbox"/> Domestic Violence - Confidential	<input type="checkbox"/> Related Traffic Tickets or Other Complaints	<input type="checkbox"/> Serious Personal Injury/ Death Involved
---	--	--

**Special conditions of release:**

- No phone, mail or other personal contact w/victim
- No possession firearms/weapons
- Other (specify): \_\_\_\_\_

**COMPLAINT - WARRANT (DEFENDANT'S COPY)**

NJCDR2 1/1/2017

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In the Matter of JAMESON ROSADO**Temporary Extreme Risk Protective Order** Superior Court of New Jersey Municipal Court of CARLISLE MUNICIPAL COURT

County <b>MIDDLESEX</b>	Petition Number <b>1201 XTR 2020 000002</b>	Complaint/Ind Number <b>1201 W 2020 000354</b>	SBI Number
<b>In the Matter of, JAMESON ROSADO</b>	<b>Respondent</b>	Height 5 ft 10 in	Weight 160
		Race <b>WHITE</b>	Date of Birth
		<b>SCEN</b>	Sex <b>MALE</b>
		Driver's License Number	State
			Expiration Date

**Findings**

The Petitioner having filed a petition for an Extreme Risk Protective Order, and the court having conducted an *ex parte* hearing and having considered:

The certified petition, AND/OR

The testimony of MICHAEL KELLY, AND/OR

Any document(s) provided to the court (list exhibits) THE UNITED STATES MARSHAL SERVICE DELIVERED A LARGE PACKET OF DOCUMENTS REGARDING THE DEFENDANT'S APPEAL PROCESS OF A CIVIL DISPUTE THAT LEAD TO HIM CONTACTING THE VICTIM AND LEAVING HARASSING VOICEMAILS., AND

Also having considered whether the Respondent:

Has any history of threats or acts of violence by the respondent directed toward self or others:  
THE FBI PROVIDED A DETAILED COPY OF REPORTS AND STATEMENTS MADE BY THE DEFENDANT THAT THEY DEEMED CONCERNING AND THREATENING, SPEAKING WITH THE INVESTIGATOR IN CHARGE. THE DEFENDANT HAS MADE MULTIPLE CALLS AND LEFT MESSAGES ON THE VICTIM, J.D.'S VOICEMAIL REGARDING HIS DISPLEASURE WITH THE VICTIM'S RULING AND HANDLING OF HIS COURT MATTER.

Has any history of use, attempted use, or threatened use of physical force by the respondent against another person:  
THE RESPONDENT HAS MADE MULTIPLE THREATS TO A FEDERAL JUDGE.

Has any prior arrests, pending charges, or convictions for a violent indictable crime or disorderly persons offense, stalking offense pursuant to section 1 of P.L.1992, c.209 (C.2C:12-10), or domestic violence offense enumerated in section 3 of P.L.1991, c.261 (C.2C:25-19);  
PENDING HARASSMENT WARRANT#W 000354.

AND

Having found at least one of the factors listed above, the court also having considered whether the Respondent:

**THEREFORE, IT IS HEREBY ORDERED** on this date 08/13/2020, THAT:

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In the Matter of JAMESON ROSADO

**THE PETITION FOR A TEMPORARY EXTREME RISK PROTECTIVE ORDER IS  
GRANTED.**

The court finds good cause that the Respondent will pose/poses an immediate and present danger of causing bodily injury to himself/herself or others by owning, possessing, purchasing or receiving firearms and/or ammunition.

**IT IS FURTHER ORDERED THAT:**

1. The Respondent is prohibited from owning, purchasing, possessing, or receiving firearms and/or ammunition, and from securing or holding a firearms purchaser identification card or permit to purchase a handgun pursuant to *N.J.S.A. 2C:58-3*, or a permit to carry a handgun pursuant to *N.J.S.A. 2C:58-4*; AND
2. The Respondent shall surrender to law enforcement any firearms and ammunition in the Respondent's custody or control, or which the Respondent possesses or owns; AND
3. The Respondent shall surrender to law enforcement any firearms purchaser identification card, permit to purchase a handgun, or permit to carry a handgun held by the Respondent; AND
4. Any firearms purchaser identification card, permit to purchase a handgun, or permit to carry a handgun held by the Respondent is hereby immediately revoked; AND
5. The County Prosecutor is to immediately notify the New Jersey State Police that the Respondent is disqualified from owning, purchasing, possessing, or receiving firearms and/or ammunition pursuant to *N.J.S.A. 2C:58-3(c)(10)*.

**Additional Reasons Set Forth on the Record and Herein**

RESPONDENT IS A DANGER TO OTHERS AS INDICATED BY HIS REPEATED THREATS TO A FEDERAL JUDGE WITH INITIALS JD.

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In the Matter of JAMESON ROSADO

**Search Warrant**

The court finds that probable cause exists to believe that (1) the respondent owns or possesses firearms or ammunition as described below, (2) the respondent poses an immediate and present danger of bodily injury to self or others by owning or possessing any such firearms or ammunition, and (3) such firearms or ammunition are presently at the location described below.

**TO ANY LAW ENFORCEMENT OFFICER HAVING JURISDICTION** - this order shall serve as a warrant to search for and seize any issued permit to carry a handgun, permit to purchase a handgun and firearms purchaser identification card issued to the Respondent and the following firearm(s) and/or ammunition.

Describe the firearms and ammunition to be seized:

**THE BELOW LISTED FIREARMS WERE DISCOVERED TO BE REGISTERED TO THE DEFENDANT. AFTER SPEAKING WITH THE INVESTIGATOR IN CHARGE TWO FIREARMS WERE CONFIRMED BY THE STATE POLICE TO BE SOLD BY THE DEFENDANT.**

Type	Description	Number	Location
HG - HANDGUNS	9MM GLOCK 19 TCH384	1	RESIDENCE, 58 HEALD ST.
HG - HANDGUNS	45 CAL GLOCK 30LF MKM946	1	RESIDENCE, 58 HEALD ST.
HG - HANDGUNS	45 CAL GLOCK 36 DWN846	1	RESIDENCE, 58 HEALD ST.
HG - HANDGUNS	9 MM GLOCK 26 ENH500US	1	RESIDENCE, 58 HEALD ST.

1. You are hereby commanded to search for the above described firearms and/or ammunition, and/or permit to carry a handgun, permit to purchase a handgun and firearms purchaser identification card and to serve a copy of this Order upon the person at the premises or location described as:  
THE DEFENDANT CURRENTLY RESIDES AT 58 HEALD ST. CARTERET NJ 07008
2. You are hereby ordered in the event you seize any of the above described items, to give a receipt for the property so seized to the person from whom they were taken or in whose possession they were found, or in the absence of such person to have a copy of this Order together with such receipt in or upon said structure from which the property was taken.
3. You are authorized to execute this Order immediately or as soon thereafter as is practicable:  
Anytime
4. You are further ordered, after the execution of this Order, to promptly provide the Court with a written inventory of the property seized per this Order.

08/13/2020 09:02:57 PM	ASWILLIAM FEINGOLD	CARTERET MUNICIPAL COURT	MIDDLESEX
Date / Time	Honorable	Court	County

**All Law Enforcement Officers will serve and fully enforce this order.**

This order shall remain in effect until further order of the court.

**Notice to Appear to Petitioner and Respondent**

Both the Petitioner and Respondent are ordered to appear for a final hearing on (date) 08/21/2020 at (time) 9:00 AM at the Superior Court, Criminal Part, MIDDLESEX County, Room 001 located at (address) MIDDLESEX SUPERIOR COURT, 56 PATERSON STREET, NEW BRUNSWICK, NJ 08901-0000

Interpreter not needed.

SIA

In the Name of JAMESON ROYAL

**Notice to Respondent**

Failure to comply with the directive to surrender to law enforcement any firearms and ammunition in the Respondent's custody or control, or which the Respondent possesses or owns, and any firearms purchaser identification card, permit to purchase a handgun, or permit to carry a handgun held by the Respondent, may constitute criminal contempt pursuant to N.J.S.A. 2C:29-9(e) and may also constitute violations of other state and federal laws which may result in your arrest and/or criminal prosecution. This may result in a jail sentence.

Only a court can modify any of the terms or conditions of this court order.

Note that the hearing for a final order will be held in your absence if you have been served with this temporary order but did not appear in court at the time and place listed above for the final hearing.

### Return of Service

Petitioner was given a copy of the Petition/TERPO by:

I hereby certify that I served the Petition/TERPO by delivering a copy to the Respondent personally.  
PC. Mike Kelly 08/13/2020

I hereby certify that I served the Petition/TERPO by use of substituted service as follows:

Respondent could not be served (explain) \_\_\_\_\_

In the Matter of JAMESON ROSADOPage 1 of 3  
SBI Number:

## Final Extreme Risk Protective Order

## Superior Court of New Jersey

County <b>MIDDLESEX</b>	Petition Number <b>1201 XTR 2020 000002</b>	Complaint/Ind Number <b>1201 W 2020 000354</b>	SBI Number		
<b>In the Matter of, JAMESON ROSADO</b>	, Respondent	Height 5 ft 10 in	Weight 160	Hair Color <b>BROWN</b>	Eye Color <b>BROWN</b>
		Race <b>WHITE</b>	Date of Birth	Sex <b>MALE</b>	
		SSN	Driver's License Number	State	Expiration Date

**Findings**

The Petitioner having filed a petition for an Extreme Risk Protective Order, and the court having entered a Temporary Extreme Risk Protective Order on 08/14/2020, and after conducting a hearing and having considered:

The certified petition, AND/OR

The testimony of MICHAEL KELLY, AND/OR

Any document(s) provided to the court (list exhibits), AND

Also having considered whether the Respondent:

Has any history of threats or acts of violence by the respondent directed toward self or others;  
COURT HEARD TESTIMONY OF SUP. DEPUTY US MARSHAL SANSEBERINO: RESP LEFT AN ANGRY TONED VOICEMAIL ON VICTIM'S PHONE ON 8/5/2020, EXPRESSING ANGER WITH HIS HANDLING OF HIS CASE. ON 8/7, MARSHALS VISITED RESP. AT HOME AND ADVISED HIM NOT TO CONTACT VICTIM IN THAT WAY AND RESP ACKNOWLEDGED AND AGREED. HOWEVER, LATER THAT EVENING, RESP. LEFT ANOTHER VOICEMAIL, SLURRING AND ADVISING THE VICTIM THAT THE MARSHALS HAD VISITED HIM AND TELLING VICTIM NOT TO DO THAT AGAIN. AND THAT VICTIM'S ACTIONS ARE INAPPROPRIATE AND BEYOND REPROACH. RESP. TESTIFIED THAT HE DID NOT RECALL MAKING A SECOND CALL, UNTIL THE CALL WAS PLAYED IN COURT. RESP. EXPLAINED HE SAYS THINGS WHEN HE IS PROVOKED BUT DOESN'T REALLY MEAN IT. BY HIS OWN TESTIMONY, RESP. HAS A HISTORY OF THREATS BEFORE THE AUGUST 2020 CALLS WHICH RESULTED IN THE VICTIM HAVING MARSHALS ON GUARD EACH TIME HE CAME TO COURT SINCE 2017. RESP ALLEGES THAT HE WORKED FOR THE FBI FOR 20 YEARS UNTIL HE WAS REMOVED, AND RESP INTIMATES THAT HIS REMOVAL ALSO INVOLVED HAVING BEEN PROVOKED.

Has any prior arrests, pending charges, or convictions for a violent indictable crime or disorderly persons offense, stalking offense pursuant to section 1 of P.L.1992, c.209 (C.2C:12-10), or domestic violence offense enumerated in section 3 of P.L.1991, c.261 (C.2C:25-19);  
PENDING HARASSMENT WARRANT#W 000354.

AND

Having found at least one of the factors listed above, the court also having considered whether the Respondent:

**THEREFORE, IT IS HEREBY ORDERED** on this date 09/09/2020, THAT:

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**THE PETITION FOR A FINAL EXTREME RISK PROTECTIVE ORDER IS GRANTED.**

The court finds by a preponderance of the evidence that the Respondent will pose/poses a significant danger of bodily injury to himself/herself or others by owning, possessing, purchasing or receiving firearms and/or ammunition.

**IT IS FURTHER ORDERED THAT:**

1. The Respondent is prohibited from owning, purchasing, possessing, or receiving firearms and/or ammunition, and from securing or holding a firearms purchaser identification card or permit to purchase a handgun pursuant to N.J.S.A. 2C:58-3, or a permit to carry a handgun pursuant to N.J.S.A. 2C:58-4; AND
2. The Respondent shall surrender to law enforcement any firearms and ammunition in the Respondent's custody or control, or which the Respondent possesses or owns; AND
3. The Respondent shall surrender to law enforcement any firearms purchaser identification card, permit to purchase a handgun, or permit to carry a handgun held by the Respondent; AND
4. Any firearms purchaser identification card, permit to purchase a handgun, or permit to carry a handgun held by the Respondent is hereby immediately revoked; AND
5. The County Prosecutor is to immediately notify the New Jersey State Police that the Respondent is disqualified from owning, purchasing, possessing, or receiving firearms and/or ammunition pursuant to N.J.S.A. 2C:58-3(c)(10).

Respondent has been advised of the right to file an appeal of this Final Order before the Appellate Division.

**Additional Reasons Set Forth on the Record and Herein**

09/09/2020 11:15:15 AM	COLLEEN FLYNN	MIDDLESEX SUPERIOR COURT	MIDDLESEX
Date / Time	Honorable	Court	County

All Law Enforcement Officers will serve and fully enforce this order.

This order shall remain in effect until further order of the court.

**Notice to Respondent**

Failure to comply with the directive to surrender to law enforcement any firearms and ammunition in the Respondent's custody or control, or which the Respondent possesses or owns, and any firearms purchaser identification card, permit to purchase a handgun, or permit to carry a handgun held by the Respondent, may constitute criminal contempt pursuant to N.J.S.A. 2C:28-9(e) and may also constitute violations of other state and federal laws which may result in your arrest and/or criminal prosecution. This may result in a jail sentence.

Only a court can modify any of the terms or conditions of this court order.

You have the right to file an appeal of this final Order before the Appellate Division.

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In the Matter of JAMESON ROSADO

## Return of Service

<input checked="" type="checkbox"/> Petitioner was given a copy of the Petition/FERPO by: <u>Yerv SANSEVERO</u> <u>11:15 9/9/2020</u> <u>3048 U1.MARSH/PLS</u> Print Name Time and Date Signature/Badge Number / Department		
<input checked="" type="checkbox"/> I hereby certify that I served the Petition/FERPO by delivering a copy to the Respondent personally <u>SJD Keith Jones</u> <u>11:15 9-9-20</u> <u>221 2nd Street Sheriff's</u> Print Name Time and Date Signature/Badge Number / Department		
<input type="checkbox"/> I hereby certify that I served the Petition/FERPO by use of substituted service as follows: _____ Print Name Time and Date Signature/Badge Number / Department		
<input type="checkbox"/> Respondent could not be served (explain) _____		

x J Rosado 9/9/20

SSA

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-000819-20 TEAM 04

IN THE MATTER OF J.R. ORDER DISMISSING APPEAL

This matter being opened to the Court on its own motion and it appearing that the appellant has failed to timely file a fully conforming brief;

It is HEREBY ORDERED that the above appeal is dismissed.

WITNESS, the Honorable Carmen Messano, Presiding Judge for Administration, at Trenton, this 23rd day of July, 2021.

s/JOSEPH H. ORLANDO  
JOSEPH H. ORLANDO  
CLERK OF THE APPELLATE DIVISION

SF

1201W2020000354 MIDDLESEX

T-44

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SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-002741-20T4

STATE OF NEW JERSEY

v.

JAMESON ROSADO

ORDER DISMISSING APPEAL  
WITHOUT PREJUDICE

This matter being opened to the court on its own motion, and the Clerk of the court having previously advised appellant by written or electronic notice that the appeal appeared to be interlocutory, and appellant not having responded to the notice;

It is HEREBY ORDERED that the appeal is dismissed, without prejudice, for failure to prosecute.

WITNESS, the Honorable Carmen Messano, Presiding Judge for Administration, at Trenton, this 23rd day of July, 2021.

S/JOSEPH H. ORLANDO

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JOSEPH H. ORLANDO  
CLERK OF THE APPELLATE DIVISION

1201W2020000354  
MIDDLESEX

57A

**SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION**

**RICHARD J. HUGHES JUSTICE COMPLEX**  
P.O. Box 006, Trenton, New Jersey 08625-0006  
(609) 815-2950

**JOSEPH H. ORLANDO**  
CLERK

**JOHN K. GRANT**  
DEPUTY CLERK - CASE PROCESSING

**KAREN M. CARROLL**  
DEPUTY CLERK - ADMINISTRATIVE SERVICES



**CHRISTINA O. HALL**  
DIRECTOR, CENTRAL RESEARCH

**MARIE C. HANLEY**  
CHIEF COUNSEL

July 23, 2021

JAMESON ROSADO  
58 HERALD STREET  
CARTERET, NJ 07008

Re: IN THE MATTER OF J.R.  
Docket No. A-002741-20T4

Dear JAMESON ROSADO:

The Clerk's office received your letter dated June 11, 2021 in which you state that your appeal cannot be pursued at this time because you have pending matters in the United States Supreme Court. The Clerk's office cannot accept this letter as a letter withdrawing the appeal. Moreover, you did not respond to the clerk's office letter inquiry, dated June 22, 2021, regarding finality of the municipal court judgment on appeal and whether the Appellate Division has jurisdiction. Accordingly, this appeal is dismissed. A copy of the order of dismissal is enclosed.

Your letter also requests that the filing fee be refunded to you. Please be advised that the clerk's office has no authority to refund the filing fee after a notice of appeal is docketed.

JOSEPH H. ORLANDO, CLERK

**Marijean R. Stevens**

BY: MARIJEAN R. STEVENS  
STAFF ATTORNEY

C: Middlesex County Prosecutor, Attention: Joie D. Piderit

58A

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S/JOSEPH H. ORLANDO

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JOSEPH H. ORLANDO  
CLERK OF THE APPELLATE DIVISION

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**KAREN M. CARROLL**  
DEPUTY CLERK - ADMINISTRATIVE SERVICES



**CHRISTINA O. HALL**  
DIRECTOR, CENTRAL RESEARCH  
**MARIE C. HANLEY**  
CHIEF COUNSEL

Date: August 10, 2021

*Rec'd 8/13/21*

JAMESON ROSADO  
58 HERALD STREET  
CARTERET, NJ 07008,

Re: IN THE MATTER OF J.R.  
Docket No. A-000819-20T4

Dear JAMESON ROSADO,

The enclosed material (CD and Proof of Service) is being returned to you, unfiled, for the following reason:

The above Appellate Docket Number is closed, and we do not accept copies of pleadings submitted to the Supreme Court of the United States.

Thanks,  
Sara Felicia  
X-52661