No. _____

In the Supreme Court of the United States

HAROLD JEAN-BAPTISTE,
Petitioner,

v.

DEPARTMENT OF JUSTICE, ET AL.,
Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

APPENDIX

Harold Jean-Baptiste
253-37 148 Drive
Rosedale, NY 11422
(786) 657-8158
hbaptiste@influctec.com

Pro Se Petitioner

Twenty-second day of October, MMXXV

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APPENDIX

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Appendix A

ALD-171 **NOT PRECEDENTIAL**

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-1995

HAROLD JEAN-BAPTISTE,
Appellant

v.

UNITED STATES DEPARTMENT OF JUSTICE; MERRICK B. GARLAND, Attorney General of the United States; FEDERAL BUREAU OF INVESTIGATION; CHRISTOPHER A. WRAY, Director of the Federal Bureau of Investigations; CIVIL PROCESS CLERK FOR THE U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF NEW JERSEY

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Action No. 2:24-cv-08583)
District Judge: Honorable Evelyn Padin

Submitted on Appellees' Motion for Summary Affirmance

Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
June 26, 2025
Before: BIBAS, PORTER, and MONTGOMERY-REEVES, Circuit Judges

(Opinion filed August 7, 2025)

OPINION*

PER CURIAM

Harold Jean-Baptiste, proceeding pro se, appeals an order granting the defendants' motion to dismiss his complaint. Because this appeal does not present a substantial question, we will grant the appellees' motion to summarily affirm the District Court's order. See 3d Cir. L.A.R. 27.4; 3d Cir. I.O.P. 10.6.

In his complaint, Jean-Baptiste alleged that the Department of Justice and the FBI conspired with his family to kidnap and kill him in retaliation for his submission of lawsuits against the government. He also asserted that the defendants issued "National Security Letters" to "slander, harass, discriminate, and destroy[]" his character. Jean-Baptiste further claimed that the FBI monitored his cell phone to track his location. As bases for relief, Jean-Baptiste cited common law, a criminal statute (18 U.S.C. § 242), as well as various

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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.

civil rights laws (42 U.S.C. §§ 1981, 1983, 1985(3), and 1986).

The defendants filed a motion to dismiss, arguing that the District Court lacked jurisdiction over Jean-Baptiste's claims, see Fed. R. Civ. P. 12(b)(1), and that he failed to state a claim upon which relief can be granted, see Fed. R. Civ. P. 12(b)(6). Over Jean-Baptiste's objections, the District Court granted that motion, holding that it lacked subject matter jurisdiction over his "patently insubstantial" claims. [1] Jean-Baptiste timely appealed. The appellees have filed a timely motion for summary affirmance. Jean-Baptiste has filed motions seeking various forms of relief.

We have jurisdiction pursuant to 28 U.S.C. § 1291, and we exercise plenary review over a District Court's decision to grant a motion to dismiss pursuant to Rules 12(b)(1) and 12(b)(6). Free Speech Coal., Inc. v. Att'y Gen., 677 F.3d 519, 529-30 (3d Cir. 2012). We may summarily affirm on any basis supported by the record if the appeal does not

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[1] The District Court also properly denied as moot Jean-Baptiste's outstanding motions, including a motion for a preliminary injunction. Coronavirus Rep. v. Apple, Inc., 85 F.4th 948, 958 (9th Cir. 2023) ("Because the district court properly dismissed with prejudice all of the claims against Apple, it correctly denied the remaining pending motions as moot."). Earlier in the proceedings, the District Court had denied Jean-Baptiste's motions for sanctions and summary judgment, terminated his motions relating to discovery pending resolution of the defendants' motion to dismiss, and held in abeyance his motions to amend the complaint. To the extent that Jean-Baptiste seek to challenge those rulings on appeal, we conclude that the District Court properly disposed of his motions.

present a substantial question. See Murray v. Bledsoe, 650 F.3d 246, 247 (3d Cir. 2011) (per curiam); 3d Cir. L.A.R. 27.4; I.O.P. 10.6.

To survive dismissal, "a complaint must contain sufficient factual allegations, taken as true, to 'state a claim to relief that is plausible on its face.'" Fleisher v. Standard Ins. Co., 679 F.3d 116, 120 (3d Cir. 2012) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)). A claim is facially plausible if the plaintiff alleges facts that allow a court "to draw the reasonable inference that the defendant is liable for the misconduct alleged." Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009); see generally Denton v. Hernandez, 504 U.S. 25, 32-33 (1992) (stating that a complaint's factual allegations are "clearly baseless" if they are "fanciful, fantastic, [or] delusional" (citations omitted)). Pleadings of pro se litigants like Jean-Baptiste are construed liberally, but "pro se litigants still must allege sufficient facts in their complaints to support a claim." Mala v. Crown Bay Marina, Inc., 704 F.3d 239, 245 (3d Cir. 2013).

In his complaint, Jean-Baptiste vaguely alleged that there is a conspiracy to harm him, implicating the FBI, his uncle, and a "white supremacy group of psychopaths." As evidence of the plot, Jean-Baptiste pointed to events on July 6, 2024, when he traveled from Irvington, New Jersey, with his uncle to the airport to pick up Max Saurel Amazan. Jean-Baptiste asserted that his uncle, who was "nervous and very uncomfortable," "pulled into [a] driveway" to drop off Amazan. According to Jean-Baptiste, this was a "clear red flag" because his uncle "never ever dropped anyone in a long driveway on the side of their home even in the snow or rain, he's

not that considerate of a person to do that." Jean-Baptiste also found "alarming" the fact that Amazan "said he came from Indiana to see his son for a week [but] had no luggage at the airport." As further support for the alleged conspiracy, Jean-Baptiste noted that, after the events of July 6, his uncle and Amazan "are still very uncomfortable around [him] ... and can't look at [him] in the eye directly at all."

The complaint's allegations fail to state a plausible claim upon which relief could be granted. Jean-Baptiste's allegations of a conspiracy are pure speculation, based entirely on innocuous behavior by his uncle and Amazan. See Young v. Kann, 926 F.2d 1396, 1405 n.16 (3d Cir. 1991) (explaining that conspiracy claims may not be based "merely upon . . . suspicion and speculation" and stating that general allegations of conspiracy not based on facts are conclusions of law that are insufficient to state a claim). Furthermore, although Jean-Baptiste alleged that he was slandered by "National Security Letters," he failed to describe the allegedly false information in those letters or indicate that they were communicated to a third party. See Singer v. Beach Trading Co., 876 A.2d 885, 894 (N.J. Super. Ct. App. Div. 2005) (listing elements of defamation claim). And Jean-Baptiste's assertion that the FBI improperly monitored his cell phone does not satisfy the plausibility test. See Iqbal, 556 U.S. at 679 (noting that the plausibility determination is a "context-specific task that requires the reviewing court to draw on its judicial experience and common sense"). Finally, we discern no abuse of discretion in the District Court's conclusion that providing Jean-

Baptiste with leave to amend his complaint would have been futile. See Grayson v. Mayview State Hosp., 293 F.3d 103, 111 (3d Cir. 2002).

Based on the foregoing, we agree with the appellees that the appeal presents no substantial question. See 3d Cir. L.A.R. 27.4; 3d Cir. I.O.P. 10.6. Accordingly, we grant their motion for summary affirmance and will summarily affirm the District Court's judgment.[2]

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[2] Jean-Baptiste's pending motions are denied.

Appendix B

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-1995

HAROLD JEAN-BAPTISTE,
Appellant

v.

UNITED STATES DEPARTMENT OF JUSTICE; MERRICK B. GARLAND, Attorney General of the United States; FEDERAL BUREAU OF INVESTIGATION; CHRISTOPHER A. WRAY, Director of the Federal Bureau of Investigations; CIVIL PROCESS CLERK FOR THE U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF NEW JERSEY

(D.C. Civil Action No. 2:24-cv-08583)

SUR PETITION FOR REHEARING

Present: CHAGARES, Chief Judge; HARDIMAN, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, MONTGOMERY-REEVES, and CHUNG, 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.

BY THE COURT,

s/ Tamika R. Montgomery-Reeves
Circuit Judge

Dated: August 28, 2025
Lmr/cc: Harold Jean-Baptiste
All Counsel of Record

Appendix C

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-1995

HAROLD JEAN-BAPTISTE,
Appellant

v.

UNITED STATES DEPARTMENT OF JUSTICE; MERRICK B. GARLAND, Attorney General of the United States; FEDERAL BUREAU OF INVESTIGATION; CHRISTOPHER A. WRAY, Director of the Federal Bureau of Investigations; CIVIL PROCESS CLERK FOR THE U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF NEW JERSEY

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Action No. 2:24-cv-08583)
District Judge: Honorable Evelyn Padin

Submitted for Possible Summary Action
Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
June 26, 2025

Before: BIBAS, PORTER, and MONTGOMERY-REEVES, Circuit Judges

JUDGMENT

This cause came to be considered on the record from the United States District Court for the District of New Jersey and was submitted on the Appellees' motion for summary affirmance pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6 on June 26, 2025.

On consideration whereof, it is now hereby ORDERED and ADJUDGED by this Court that the judgment of the District Court entered May 12, 2025, be and the same hereby is affirmed.

All of the above in accordance with the Opinion of this Court.

ATTEST:

s/Patricia S. Dodszuweit
Clerk

DATED: August 7, 2025

OFFICE OF THE
CLERK

PATRICIA S. DODSZUWEIT

CLERK

UNITED STATES COURT OF APPEALS
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106-1790
Website:
www.ca3.uscourts.gov

TELEPHONE

215-597-2995

August 7, 2025

John F. Basiak Jr.
Office of United States Attorney
402 E State Street
Suite 430
Trenton, NJ 08608

David Inkeles
Office of United States Attorney
970 Broad Street
Room 700
Newark, NJ 07102

Harold Jean-Baptiste
253-37 148th Drive

Rosedale, NY 11422

RE: Harold Jean-Baptiste v. DOJ, et al
Case Number: 25-1995
District Court Case Number: 2:24-cv-08583

ENTRY OF JUDGMENT

Today, **August 07, 2025,** the Court entered its judgment in the above-captioned matter pursuant to Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:
14 days after entry of judgment.
45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:
3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).
15 pages if hand or type written.

Attachments:
A copy of the panel's opinion and judgment only.
Certificate of service, unless the petition is filed and served through the Court's electronic-filing system.

Certificate of compliance if petition is produced by a computer.
No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. A party seeking both forms of rehearing must file the petitions as a single document. Fed. R. App. P. 40(a).

A party who is entitled to costs pursuant to Fed.R.App.P. 39 must file an itemized and verified bill of costs within 14 days from the entry of judgment. The bill of costs must be submitted on the proper form which is available on the court's website.

A mandate will be issued at the appropriate time in accordance with the Fed. R. App. P. 41.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,
Patricia S. Dodszuweit, Clerk

By: s/Laurie/gch
Case Manager
267-299-4936

Appendix D

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HAROLD JEAN-BAPTISTE. Plaintiff, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	No.24cv8583 (EP) (MAH) **OPINION**

PADIN, District Judge.

Pro se Plaintiff Harold Jean-Baptiste alleges that various agents of the federal government have--and continue to--conspire to kidnap and injure him. D.E. 1 ("Complaint" or "Compl."). Plaintiff brings this action against the United States Department of Justice ("DOJ"); former United States Attorney General, Merrick Garland; the Federal Bureau of Investigations ("FBI"); former FBI Director, Christopher Wray; and the Civil Process Clerk for the U.S. Attorney's Office for the District of New Jersey (collectively, "Defendants").

Defendants move to dismiss the Complaint for lack of subject matter jurisdiction and for failure to state a claim, pursuant to Fed. Rs. Civ. P. 12(b)(1) and (6). D.E. 12-1("Def. Mot."). The Court decides the motion without oral argument. *See* Fed. R. Civ. P. 78(b); L. Civ. R. 78.1(b). For the reasons explained below, the Court will **GRANT** the Motion to dismiss and **DISMISS** the Complaint ***with prejudice***.

I. BACKGROUND[1]

A. This Action[2]

The allegations in the Complaint appear to center on an incident that allegedly occurred on July 6, 2024, in South Orange, New Jersey, when Plaintiff and his mother were visiting his uncle. Compl. at 4. When Plaintiff and his mother arrived at the uncle's home, the uncle suggested they drive in the uncle's car to Newark Liberty International Airport to pick up Max Saurel Amazan ("Max"). *Id.* However, the uncle instead drove to a home in Irvington, New Jersey, where Max was waiting. *Id.* The uncle parked the car in the driveway of the Irvington home, exited the vehicle, and then returned to the car less than 30 seconds later. *Id.* Max asked the uncle, "are you

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[1] Unless otherwise noted, the Court uses the page ID number listed at the top of each document generated by CM/ECF.

[2] The facts in this section derive from the Complaint's well-pled factual allegations, which the Court presumes to be true for purposes of resolving this Motion. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

coming?" to which the uncle responded, "not right now." *Id.*

On August 16, 2024, Plaintiff called his cousin, Yadline Amazan ("Yadline"), to request that Yadline ask Max for the address of the home Plaintiff, his mother, and his uncle visited in Irvington on July 6. *Id.* Max apparently told Yadline that he did not know the address. *Id.* Based on that information (or lack thereof), the uncle and Max's "uncomfortable" body language on July 6, and Plaintiff's "history with the FBI," Plaintiff alleges that the FBI paid his uncle and Max to bring him to the Irvington home on July 6 so that the FBI could kidnap and physically harm him. *Id.* at 5.

According to Plaintiff, an unnamed FBI special agent had come up "with a similar m[alevo]lent strategy before to offer financial incentive to [Plaintiff]'s friend Troy Winslow ... to drive Plaintiff to a location to setup to hurt his life." *Id.* Plaintiff suggests that the FBI has orchestrated these repeated kidnapping attempts in retaliation for him previously filing lawsuits against the government and a complaint with the DOJ's Inspector General. *Id.*

Plaintiff alleges that the FBI has "unfairly persecuted [him] based on his race, color, national origin, or malicious intentions." *Id.* at 7. Further, he alleges that the FBI and DOJ have issued "National Security Letters" against him to "slander, harass, discriminate, and destroy[]" his character, and the FBI has monitored his cell phone habits and tracked his location without probable cause. *Id* at 8.

Based on these allegations, Plaintiff asserts several causes of action: violations of the Fourth

Amendment; violations of 18 U.S.C.§ 242, 42 U.S.C. §§ 1981,1983, 1985(3), 1986; and negligence. *Id.* at 9. Plaintiff seeks monetary damages to the tune of $2,500,000, along with equitable and declaratory relief against Defendants. *Id.* at 9-10.

B. Procedural History

Plaintiff has filed a fury of motions in this case. After filing the Complaint, Plaintiff next moved for a preliminary injunction against Defendants. D.E. 9 ("Motion for Preliminary Injunction"). Defendants responded to this Motion for Preliminary Injunction, arguing the Court should deny it. *See* D.E.11. Defendants then moved to dismiss the Complaint. Def. Mot. Plaintiff opposed, D.E. 13 ("Opposition" or "Opp'n"), and then Defendants replied, D.E. 14 ("Reply").

While Defendants' Motion was pending, Plaintiff moved for various forms of relief, including: (1) a motion for sanctions, summary judgment, and waiver of sovereign immunity, D.E.21; (2) a motion to amend the Complaint, D.E. 22; (3) a motion to "stop and set aside all national security letters", D.E. 23; and (4) a corrected motion to amend the Complaint, D.E.27. The Hon. Michael A. Hammer, U.S.M.J., held Plaintiff's motions to amend the complaint in abeyance pending resolution of Defendants' Motion, terminated his motions related to discovery pending resolution of Defendants' Motion, and denied Plaintiff's motion for sanctions/summary judgment as an impermissible sur-reply. D.E.31. Undeterred, Plaintiff twice more sought to amend his complaint, D.Es. 36-37, and filed two more motions to "stop and

claim at issue, because that distinction determines how the pleading must be reviewed." *Constitution Party of Penn. v. Aichele*, 757 F.3d 347, 357 (3d Cir. 2014) (citing *In re Schering Plough Corp. Intron*, 678 F.3d 235, 243 (3d Cir. 2012)). "A facial attack . . . is an argument that considers a claim on its face and asserts that it is insufficient to invoke the subject matter jurisdiction of the court because, for example, it does not present a question of federal law, or because there is no indication of a diversity of citizenship among the parties, or because some other jurisdictional defect is present." *Id.* at 358. But "[a] factual attack is an argument that there is no subject matter jurisdiction because the facts of the case . . . do not support the asserted jurisdiction." Id. Ina factual attack, "the District Court may look beyond the pleadings to ascertain the facts." *Id.* "In sum, a facial attack 'contests the sufficiency of the pleadings,'" *id.* (quoting *In re Schering Plough Corp.*, 678 F.3d at 243), "'whereas a factual attack concerns the actual failure of a [plaintiff's] claims to comport [factually] with the jurisdictional prerequisites.'" *Id.* (quoting *CNA v. United States*, 535 F.3d 132, 139 (3d Cir. 2008)).

Because Plaintiff proceeds *pro se*, the Court construes the Complaint liberally and holds it to a less stringent standard than papers filed by attorneys. *Haines v. Kerner*, 404 U.S.519, 520 (1972). The Court, however, need not "credit a *pro se* plaintiff's 'bald assertions' or 'legal conclusions." "*Grohs v. Yatauro*, 984 F. Supp. 2d 273, 282 (D.N.J. 2013) (quoting *Morse v. Lower Merion Sch. Dist.*, 132 F.3d 902, 906 (3d Cir. 1997)).

III. ANALYSIS

Defendants assert multiple grounds for dismissal. They move to dismiss the Complaint for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1), arguing both that Plaintiff's allegations are implausible, a factual attack, Def. Mot. at 11-12, and that sovereign immunity bars all claims in the Complaint, a facial attack, id. at 13-16. Additionally, Defendants argue that the Complaint may alternatively be dismissed for failure to state a claim, pursuant to Fed. R. Civ. P.12(b)(6). Def. Mot. at 11. Because "[s]ubject matter jurisdiction is a threshold requirement for asserting a claim in federal court," the Court addresses Defendants' jurisdictional arguments first. *Silverberg v. City of Philadelphia*, No. 19-2691, 2020 WL 108619, at*12-13 (E.D. Pa. Jan. 8, 2020).

A. The Court Lacks Subject Matter Jurisdiction

As detailed in *supra* Section I.C, Plaintiff's allegations of a federal government conspiracy directed against him have been dismissed by other courts for "patent insubstantiality." *Jean- Baptiste*, 2024 WL 3673676, at *1 (quoting *Tooley v. Napolitano*, 586 F.3d 1006, 1010 (D.C. Cir. 2009)) (noting that patently insubstantial complaints must be dismissed ... for lack of subject-matter jurisdiction); *see also Hagans v. Lavine*, 415 U.S. 528, 536 (1974) (explaining that Courts cannot exercise subject-matter jurisdiction over complaints that are

"so attenuated and unsubstantial as to be absolutely devoid of merit") (cleaned up).

Plaintiff's Complaint here is also patently insubstantial. He alleges a mass conspiracy amongst various agencies of the federal government and his family members based on little more than body language, family dynamics, and his alleged history with the FBI. Compl. at 5-6. Plaintiff provides nearly no relevant information to substantiate his claims. In Opposition, Plaintiff doubles down on his allegations, arguing in conclusory fashion that "the complaint clearly shows substance of fact and witnesses to prove this matter, most Important Jean Amazan who the FBI contacted is hiding from my family as result of the FBI Inspector General investigation." Opp'n at 1. With respect to Defendants' argument that the Complaint should be dismissed as frivolous, Plaintiff argues that "if Defendants can make a one side conclusion as frivolous, why can't the US. District Court accept the Plaintiff conclusion as fact." *Id.* In Reply, Defendants contend that Plaintiff's Opposition "fails to address the threshold deficiencies raised in the Federal Defendants' motion to dismiss, which subject the complaint to dismissal." Reply at 1. The Court agrees.

The Court recognizes that "dismissal for lack of jurisdiction is not appropriate merely because the legal theory alleged is probably false, but only" when the right claimed is "'so insubstantial, implausible, foreclosed by prior decisions of this Court, or otherwise completely devoid of merit as not to involve a federal controversy.'" *Kulick v. Pocono Downs Racing Ass'n, Inc.*, 816 F.2d 895, 899 (3d Cir. 1987) (quoting Oneida *Indian Nation v. County of*

Oneida, 414 U.S. 661, 666 (1974)). A complaint is frivolous "where it lacks an arguable basis either in law or in fact." *Nietzke v. Williams*, 490 U.S. 319, 325(1989). Examples of frivolous claims include those "whose factual contentions are clearly baseless" that "describ[e] fantastic or delusional scenarios." *Id.* at 327-28. Plaintiff's Complaint fits the bill because there is "no factual predicate or legal theory on which Plaintiff can rely to state a viable civil claim arising from these allegations and assertions." *Jean-Baptiste v. United States Dep't of Just.*, No. 24-1152, 2024 WL 1484200, at*3 (S.D.N.Y. Apr.5, 2024), *aff'd*, No. 23-7415, 2024 WL 5220573 (2d Cir. Dec.26, 2024). Thus, the Court lacks subject matter jurisdiction and will **GRANT** Defendants' Motion.[4]

B. Leave to Amend Is Denied

Dismissal of a claim *with prejudice* is appropriate when the claim is based on "bath faith or dilatory motives, truly undue or unexplained delay, repeated failures to cure the deficiency by amendments previously allowed, or futility of amendment." *Lorenz v. CSX Corp.*, 1 F.3d 1406, 1414 (3d Cir. 1993); *see also* 3 James Wm. Moore *et al.*,

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[4] Although the Court concludes it lacks jurisdiction because Plaintiff's claims are frivolous, the Court notes that Plaintiff fails to oppose Defendants' argument that dismissal is warranted for lack of subject-matter jurisdiction on sovereign immunity grounds. See Opp'n. As Defendants note, Plaintiff's failure to oppose an argument made in their Motion, when Plaintiff had an opportunity to do so, results in a waiver of that argument. *See Dreibelbis v. Scholton*, 274 F. App'x183, 185 (3d Cir. 2008).

Moore's Federal Practice¶15.15 (3d ed 2021) ("An amendment is futile if it merely restates the same facts as the original complaint in different terms, reasserts a claim on which the court previously ruled, fails to state a legal theory, or could not withstand a motion to dismiss.").

The Court believes that amendment would be futile here because the Court cannot find any factual or legal basis for Plaintiff's claims to proceed. *See Elv. New Jersey,* No. 15-8136, 2022 WL 2314866, at *4 (D.N.J. Jun. 28, 2022). Other courts have come to the same conclusion from Plaintiff's nearly identical allegations in other cases. *See, e.g., Jean-Baptiste v. United States Dep'1 of Just.*, No. 24-1152, 2024 WL 1484200, at *4 (S.D.N.Y. Apr. 5, 2024), *aff'd*, No. 23-7415, 2024 WL 5220573 (2d Cir. Dec. 26, 2024) (dismissing the complaint *with prejudice* after finding that--light of Plaintiff's litigation history—"Plaintiff was or should have been aware that the complaint lacked merit when he filed it.").

IV. CONCLUSION

For the foregoing reasons, the Court will **GRANT** the Motion to dismiss and **DISMISS** the Complaint ***with prejudice***.[5] An appropriate Order accompanies this Opinion.

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[5] Still gaveled on the docket are Plaintiff's Motion for Preliminary Injunction and his "Motion to Vacate FBI Order to Impeded Hard to the Plaintiff," D.E. 41. Since the Court will dismiss the Complaint ***with prejudice*** for lack of subject matter jurisdiction, the Court will **DENY** these motions as **MOOT**.

Dated: May 9, 2025

/s/ Evelyn Padin
Evelyn Padin, U.S.D.J.

Appendix D

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HAROLD JEAN-BAPTISTE. Plaintiff, v. UNITED STATES DEPARTMENT OF JUSTICE, *et al.*, Defendants.	No.24cv8583 (EP) (MAH) **ORDER**

Pro se Plaintiff Harold Jean-Baptiste alleges that various agents of the federal government have--and continue to--conspire to kidnap and injure him. D.E. 1 ("Complaint" or "Compl.") Plaintiff brings this action against the United States Department of Justice ("DOJ"); former United States Attorney General, Merrick Garland; the Federal Bureau of Investigations ("FBI"); former FBI Director, Christopher Wray; and the Civil Process Clerk for the U.S. Attorney's Office for the District of New Jersey (collectively, "Defendants").

In addition to his Complaint, Plaintiff has moved for various forms of relief, including a 'Motion for Preliminary Injunction" against Defendants, D.E.

9, and a "Motion to Vacate FBI Order to Impeded Hard to the Plaintiff," D.E. 41.

Defendants move to dismiss the Complaint for lack of subject matter jurisdiction and for failure to state a claim, pursuant to Fed. Rs. Civ. P. 12(b)(1) and (6). D.E. 12-1 ("Defendants' Motion" or "Def. Mot."). Defendants also argue that Plaintiffs Motion for Preliminary Injunction should be denied *See* Def. Mot.

The Court decides Defendants' Motion without oral argument. *See* Fed. R. Civ. P. 78(b); L. Civ. R. 78.1(b). The Court, having considered the motions and all related items on the docket, and having determined that oral argument is not needed,

IT IS, on this 9th day of May 2025, for the reasons set forth in the accompanying Opinion,

ORDERED that the Motion to dismiss, D.E.12, are **GRANTED**; and it is further

ORDERED that the Complaint is **DISMISSED *with prejudice***; and it is further

ORDERED that Plaintiff's Motion for Preliminary Injunction, D.E. 9, is **DENIED** as **MOOT**; and it is further

ORDERED that Plaintiff's Motion to Vacate FBI Order to Impeded Hard to the Plaintiff, D.E. 41, is **DENIED** as **MOOT**; and it is further

ORDERED that the Clerk of the Court shall **CLOSE** this case; and it is finally

ORDERED that the Clerk of the Court shall mail a copy of this Order and the accompanying Opinion to Plaintiff.

/s/ Evelyn Padin
Evelyn Padin, U.S.D.J.