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TOWNSHIP OF HANOVER

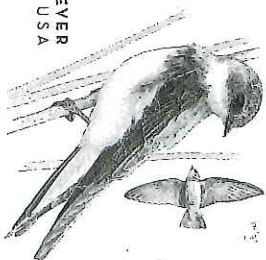
Jeffrey M Harty
43 John Street
Mowee Township, NJ
07963

Good Mail
Hanover Township Municipal
40 Hanover Township Police Department
1000 Route 10 West
Whippany, NJ 07981

Attn: Joseph Quann and Police Officers
Prevention of Domestic Violence Act of 1991

Re: Federal Law Suite 16-6779 (JL)
NJ Constitution Article 102: Rights of Crime Victims

FOREVER
USA



Bird Swallow



U.S. Department of Justice

United States Attorney
District of New Jersey
Civil Division

PAUL J. FISHMAN
UNITED STATES ATTORNEY

Michael E. Campion
Assistant United States Attorney
Chief, Civil Rights

970 Broad Street, Suite 700
Newark, NJ 07102

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February 6, 2017

Jeffrey Harty
51 Washington Street
Morristown, New Jersey 07963

Re: Complaint against the Hanover Township Police Depart., the Morris
County Prosecutor's Office, ~~Blanch~~ Harty and the State of New Jersey

Dear Mr. Harty:

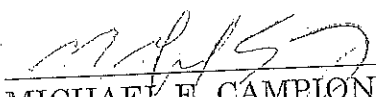
Thank you for your correspondence dated January 20, 2017 regarding the above-reference matter. This Office welcomes and appreciates information from the public about their experiences with law enforcement. However, while the Civil Division of this Office may investigate institutional patterns and practices regarding law enforcement misconduct, the Civil Division of this Office does not have authority to represent individuals or seek remedies in individual cases. Therefore, we have forwarded your complaint to offices where your information may be applicable. Those offices may contact you for further information should they chose to do so. This procedure is not an expression or opinion of the merits of the information that you provided.

You may wish to consult a private attorney to determine whether any redress can be achieved through the legal process in the nature of a private civil action. For assistance finding an attorney that specializes in the areas of your concern, you may contact the New Jersey State Bar referral service for Morris County at 973-267-5882.

Please be advised that your letter or complaint to this Office has no effect on any statute of limitations that might apply to your claim. By sending a letter or filing a letter or complaint with this Office, you have not commenced a lawsuit or a legal or administrative proceeding, and this Office has not initiated a lawsuit or a proceeding on your behalf.

PAUL J. FISHMAN
United States Attorney

By:


MICHAEL E. CAMPION
Assistant United States Attorney
Chief, Civil Rights Unit

2C:25-24. Domestic violence offense reports

a. It shall be the duty of a law enforcement officer who responds to a domestic violence call to complete a domestic violence offense report. All information contained in the domestic violence offense report shall be forwarded to the appropriate county bureau of identification and to the State bureau of records and identification in the Division of State Police in the Department of Law and Public Safety. A copy of the domestic violence offense report shall be forwarded to the municipal court where the offense was committed unless the case has been transferred to the Superior Court.

b. The domestic violence offense report shall be on a form prescribed by the supervisor of the State bureau of records and identification which shall include, but not be limited to, the following information:

- (1) The relationship of the parties;
- (2) The sex of the parties;
- (3) The time and date of the incident;
- (4) The number of domestic violence calls investigated;
- (5) Whether children were involved, or whether the alleged act of domestic violence had been committed in the presence of children;
- (6) The type and extent of abuse;
- (7) The number and type of weapons involved;
- (8) The action taken by the law enforcement officer;
- (9) The existence of any prior court orders issued pursuant to this act concerning the parties;
- (10) The number of domestic violence calls alleging a violation of a domestic violence restraining order;
- (11) The number of arrests for a violation of a domestic violence order; and
- (12) Any other data that may be necessary for a complete analysis of all circumstances leading to the alleged incident of domestic violence.

c. It shall be the duty of the Superintendent of the State Police with the assistance of the Division of Systems and Communications in the Department of Law and Public Safety to compile and report annually to the Governor, the Legislature and the Advisory Council on Domestic Violence on the tabulated data from the domestic violence offense reports, classified by county.

Violence in America

Crime victims in cities get shorted by the state



TOM MORAN
tmoran@starledger.com

Seven days after the man returned home from prison, he was sitting on his porch on South 8th Street in Newark playing cards when a gunman came and shot him dead.

The police arrived in minutes, asked their questions and set off to hunt down the killer. The ambulance crew came and carried away the body. The yellow tape marking the crime scene was cut down and removed.

That was it, move on, folks. These things happen.

But it wasn't over, not by a long shot. Lakeisha Eure had seen this before, many times, and she knew that the violence was only the start of this story. So with a small group of volunteers who rush to these scenes, she stayed behind to help.

She started by getting a mop and cleaning up the blood.

"We just couldn't let it stay there," she said. "They took the body, they took down the tape, but they left the blood because it

was in a private residence. And you don't just leave the blood there. You don't leave the blood."

In the United States, we spend a fortune catching criminals and holding them behind bars. And we spend pennies helping the victims cope with the carnage. Especially when those victims are poor, and black, and powerless.

The blood is the least of it. Every shooting leaves behind a shattered family, often

SEE MORAN, D-4

"When the victims of violence are unable to access federal funds earmarked for them, it victimizes them a second time."

Dr. Stephanie Borne, University of

ving with lost income, and often admit when it comes to dealing with police, funeral or getting access to the little help the government does provide, such as burial costs.

The worst of it, perhaps, is the damage one to kids who witness it, who lose people they love, who are terrified, and rarely get help coping with the trauma.

"They can't process the anger, and the hurt," says Al-Tariq Best, a former rapper who founded a volunteer after-school program for kids in Newark's Central Ward. It's hard as an adult, so imagine what that's like for a child."

One shooting, he says, can start a cycle of violence when untreated trauma does its damage.

"We are dealing with young people and teens who are taking all these drugs to medicate the pain," he says. "Then they're in a position to do something stupid. Hurt people hurt."

FEDERAL HELP

Congress, faced with testimony like this from across the country, decided in 2005 to dramatically beef up programs to help crime victims, quadrupling funding that goes to states through the Victims of Crime Act, known as VOCA.

Some states have used that bounty with energy and creativity, establishing trauma centers in poor neighborhoods, posting social workers at hospitals to intervene after shootings and stabbings, sending outreach workers to inner cities to form alliances with people like Eare, who helped found the Newark Anti-Violence Coalition.

That was a chance to turn this around, to start on a more sensible answer to crime, with some balance.

And this is where the story turns from tragic to infuriating: The Christie administration has blown this one, too.

The state Attorney General's Office is using about one-third the money at local prosecutors' offices to offset costs related to

into miscellaneous accounts they have to discuss.

Of the \$59 million the state received in that 2015 money surge, only \$21 million is sent to the community groups that actually deal with crime victims.

And it gets worse. Christie's crew also closed off all new applications this year. It's easier to just fund the same groups that have always received money.

"That's ridiculous," says Sandra McGowan, who ran the program for several years starting in 2004. "That's something I refused to do."

"So what if it's too much work? That's what we're here for. They absolutely have to be out in the community looking for these grass-roots groups. There is no question about that."

Attorney General Christopher Porrino refused to discuss the program, as did Phoenix Smith, who handles the day-to-day operations.

If they won't offer an explanation, I will: They are lazy, or they don't give a damn, or both.

ON THE FRONT LINES

If you want to engage with crime victims and their families in Newark, you could start at University Hospital. Its emergency room treats roughly 1,000 cases of "inter-personal violence" each year — shootings, stabbings and assaults.

No one in the Christie administration has picked up the phone to call, even after the surge in new federal money. And when an ER surgeon in the hospital floated a promising idea to help this year, she got the same answer as the community groups: No new applicants need apply.

"We do a lot of treat-and-release, directly from the ER, and we don't really offer any kind of assistance or support," says the surgeon, Dr. Stephanie Bonne.

Her goal is to start a "violence interruption program" modeled on successes in other states, in partnership with Mayor Ras Baraka's administration.

Many of her patients, she says, are caught in rivalries that make them victims one day and perpetrators the next. The idea is to get

whatever is needed.

"It's frustrating," she says. "When the victims of violence are unable to access federal funds earmarked for them, it victimizes them a second time."

"The people who are really affected are also the family members, or the younger siblings who see this. You're creating a perpetual problem."

Put aside all sentiment and think about the money.

"We've had patients who are in the hospital for a year," Bonne says. "That runs well into the millions."

Prevent one shooting and you might fund a robust program at the hospital for years. And you could help Eare and Best build that trauma center they dream about for kids in the Central Ward.

INTENSIFYING THE PROBLEM

The Christie administration's neglect is starting to draw attention, as it works to disperse an even larger \$61 million federal allotment for next year.

State Sen. Joseph Vitale (D-Middlesex) intends to hold hearings this spring, which the federal Department of Justice, which has received complaints from community groups and legislators, will visit Trenton in April to review the program. The Christie administration said the DOJ visit is routine and had no comment on Vitale's plans.

A key concern about the pause in taking new applications is that not enough money is getting to the victims of street violence in cities, most of them people of color.

Groups working on domestic violence and sexual assault were better organized historically, and able to capture a larger share of the grant money.

"We have programs in all 21 counties, and all or most of them receive federal dollars," says Nicole Morella, director of public policy at the Coalition to End Domestic Violence. "Both domestic violence and sexual assault groups had more lead time, and started advocacy in the '70s and '80s."

Victims of street crime are kicking into gear now and finding that the door has been slammed shut, freezing the inequity

in mind, Eare says. And when it comes to apply, they told us they had closed it."

FOLLOW THE MONEY

Rich Pompello, former chairman of the state's Victims of Crime Compensation Board, said there is an imbalance today, and the answer is to stop sending so much money to prosecutors' offices, so that all victims can get more help.

"To me, direct services is what the (VOCA) Act is all about," he says.

To fix this, the first step has to be an audit of how the existing money is spent and what outreach is done, if any. The Christie administration, as always, is being secretive.

Elizabeth Ruebman, an organizer with New Jersey Crime Survivors, a nonprofit organization aimed at reforming all this, took Eare and Best and others to a meeting at the Attorney General's Office to discuss this.

"Other states are bringing in new applicants, doing outreach and recognizing that the people most impacted by crime are not being served," she says. "The feds realize this, so they're encouraging states to do more. Other states did. But New Jersey just sat there and gave money to the same people they've been giving it to in a two-year grant."

This has to change. In the Central Ward, Best is going ahead and building out space to house a trauma center, and getting training on how to run it. He needs money to build, to hire therapists, to create a space where locals can feel safe and tend their wounds. Eare has similar ambitions.

"If they just had a safe place to come and cry," she said. "I want a place where we can tell them to not retaliate, to tell police what you know. If I had a place, they'd come to stay until they figure things out."

My guess is that she'll get that someday, as will the others doing this work. These people are saints, rushing toward the chaos the rest of us run from.

The pity is that they are not getting help now. And for that, you can once again thank the absence leadership of Gov. Chris

NEW JERSEY STATE CONSTITUTION 1947 (UPDATED THROUGH AMENDMENTS ADOPTED IN NOVEMBER, 2005)

A Constitution agreed upon by the delegates of the people of New Jersey, in Convention, begun at Rutgers University, the State University of New Jersey, in New Brunswick, on the twelfth day of June, and continued to the tenth day of September, in the year of our Lord one thousand nine hundred and forty-seven.

We, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations; do ordain and establish this Constitution.

ARTICLE I RIGHTS AND PRIVILEGES

1. All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

2. a. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.

b. The people reserve unto themselves the power to recall, after at least one year of service, any elected official in this State or representing this State in the United States Congress. The Legislature shall enact laws to provide for such recall elections. Any such laws shall include a provision that a recall election shall be held upon petition of at least 25% of the registered voters in the electoral district of the official sought to be recalled. If legislation to implement this constitutional amendment is not enacted within one year of the adoption of the amendment, the Secretary of State shall, by regulation, implement the constitutional amendment, except that regulations adopted by the Secretary of State shall be superseded by any subsequent legislation consistent with this constitutional amendment governing recall elections. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

3. No person shall be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; nor under any pretense whatever be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to pay tithes, taxes, or other rates for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right or has deliberately and voluntarily engaged to perform.

4. There shall be no establishment of one religious sect in preference to another; no religious or racial test shall be required as a qualification for any office or public trust.

5. No person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry or national origin.

6. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

7. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the papers and things to be seized.

8. No person shall be held to answer for a criminal offense, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases now prosecuted without indictment, or arising in the army or navy or in the militia, when in actual service in time of war or public danger.

9. The right of trial by jury shall remain inviolate; but the Legislature may authorize the trial of civil causes by a jury of six persons. The Legislature may provide that in any civil cause a verdict may be rendered by not less than five-sixths of the jury. The Legislature may authorize the trial of the issue of mental incompetency without a jury.

10. In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel in his defense.

11. No person shall, after acquittal, be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses when the proof is evident or presumption great.

12. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted. It shall not be cruel and unusual punishment to impose a death penalty on a person convicted of purposely or knowingly causing death or purposely or knowingly causing serious bodily injury resulting in death who committed the homicidal act by his own conduct or who as an accomplice procured the commission of the offense by payment or promise of payment of anything of pecuniary value.

13. No person shall be imprisoned for debt in any action, or on any judgment founded upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace.

14. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety may require it.

15. The military shall be in strict subordination to the civil power.

16. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, except in a manner prescribed by law.

17. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

18. The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

19. Persons in private employment shall have the right to organize and bargain collectively. Persons in public employment shall have the right to organize, present to and make known to the State, or any of its political subdivisions or agencies, their grievances and proposals through representatives of their own choosing.

20. Private property shall not be taken for public use without just compensation. Individuals or private corporations shall not be authorized to take private property for public use without just compensation first made to the owners.

21. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

22. A victim of a crime shall be treated with fairness, compassion and respect by the criminal justice system. A victim of a crime shall not be denied the right to be present at public judicial proceedings except when, prior to completing testimony as a witness, the victim is properly sequestered in accordance with law or the Rules Governing the Courts of the State of New Jersey. A victim of a crime shall be entitled to those rights and remedies as may be provided by the Legislature. For the purposes of this paragraph, "victim of a crime" means: a) a person who has suffered physical or psychological injury or has incurred loss of or damage to personal or real property as a result of a crime or an incident involving another person operating a motor vehicle while under the influence of drugs or alcohol; and b) the spouse, parent, legal guardian, grandparent, child or sibling of the decedent in the case of a criminal homicide.

Article I, paragraph 2 amended effective January 1, 1994; paragraph 9 amended effective December 4, 1973; paragraph 12 amended effective December 3, 1992; paragraph 22 added effective December 5, 1991.

ARTICLE II ELECTIONS AND SUFFRAGE

Celebrating 25 years of victim's rights in New Jersey

Richard D. Pompello *Guest Columnist*

Thurgood Marshall once wrote, "Sometimes history takes things into its own hands."

I have learned from personal experience that when this happens, there is almost always a powerful human force involved.

In 1989, my wife and I joined a small grass roots group of homicide survivors with the intent of improving the rights of crime victims in the criminal justice system. Before we knew it we were swept up into a statewide quest to add a new human rights amendment to the state constitution, something that had been done only once in over a century.

There were less than a dozen of us in this group but each had experienced the justice system from the inside out. Each knew what it was like to be treated as a faceless stranger in a justice process that we had previously taken for granted.

Human pain is such a driving force. It can lead to anger and hate but more importantly, it can flow in the direction of compassion and the desire to achieve positive action, to help others who have or will become similarly situated. Amending the constitution set the bar very high but experience showed us that anything less would have little impact.

Our idea to amend the constitution was uniformly rejected by the powers in government and criticized by the legal scholars and other armchair pundits who publicly rebuked the idea as "vindictive personal feelings" and "the outraged honor of the tribe."

We did, however, have one ally — freshman state Assemblyman Alex DeCrose, who in 1989 introduced the amendment resolution in the state legislature. And we were on our way.

Each of us had our own story about our experiences in the justice system. And we became relentless in our statewide quest to educate the public and the powers in Trenton.

The mother of 18 year old murder victim, Amy Hoffman was excluded from the courtroom during the first trial of the killer in 1984 simply because her name was placed on the defendant's witness list and in the death penalty retrial in 1990, the defense attorney again tried to exclude her, labeling her as "a walking talking victim impact statement" and "so much emotional baggage" that was being "milked by the prosecution."

In 1990, when I resisted the county prosecutor's sug-

Today, New Jersey is considered a national leader in victims' rights as a result of an intensive statewide non-profit network of advocates, an enlightened and progressive legislature and the desire of many judges and prosecutors to provide equal justice to victims.

gestion of giving a plea bargain to the man who killed my 17-year-old son, Tony, my family and I were treated as pariahs by his office to such a degree that the prosecutor from the adjacent county came to our trial with his victim advocate to provide support and comfort to us.

These and other true stories could not be ignored and then one morning in the fall of 1990 in a coffee shop in Morristown, Attorney General Robert Del Tufo met with homicide survivor Jim O'Brien and me and told us that we had changed his and the governor's mind.

On Nov. 5, 1991 over 1.2 million citizens of New Jersey voted to adopt the Victim's Rights Constitutional Amendment that mandates that victims be treated with fairness, compassion and respect.

That same year I established the New Jersey Crime Victims' Law Center as the first pro bono legal advocacy program in the nation for victims of violence. I am proud to say that over the past 25 years we have assisted over 15,000 victims of crime at no cost and we are still going strong.

Today, New Jersey is considered a national leader in victims' rights as a result of an intensive statewide non-profit network of advocates, an enlightened and progressive legislature and the desire of many judges and prosecutors to provide equal justice to victims.

For me personally, this is a nostalgic and emotional time. I often think of my partners in that small group of homicide survivors who decided to help history take things into its own hands — and the result has been profound.

Richard D. Pompello is founder of New Jersey Crime Victims' Law Center.

Orders on Motions

2:16-cv-06779-JLL-JAD HARTY
v. HARTY et al

PROSE-PR,PS3

U.S. District Court

District of New Jersey [LIVE]

Notice of Electronic Filing

The following transaction was entered on 2/22/2017 at 2:58 PM EST and filed on 2/22/2017

Case Name: HARTY v. HARTY et al

Case Number: 2:16-cv-06779-JLL-JAD

Filer:

Document Number: 15

Docket Text:

ORDER Denying [8] MOTION for Re-instate case by JEFFREY M HARTY. It is further Ordered that Plaintiff is granted leave to file an amended complaint within thirty (30) days of the date of this Order addressing the deficiencies raised in this Court's prior screening Opinion (ECF No. 4). The Clerk of the Court shall a copy of this Order and the accompanying Opinion upon Plaintiff regular mail and shall Close the file. Signed by Judge Jose L. Linares on 2/22/2017. (JB,)

2:16-cv-06779-JLL-JAD Notice has been electronically mailed to:

2:16-cv-06779-JLL-JAD Notice will not be electronically mailed to::

JEFFREY M HARTY

32309

MORRIS COUNTY CORRECTIONAL FACILITY

43 JOHN STREET

MORRISTOWN, NJ 07963

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1046708974 [Date=2/22/2017] [FileNumber=9957702-0
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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JEFFREY M. HARTY,

Plaintiff,

v.

STATE OF NEW JERSEY, et al.,

Defendants.

Civil Action No. 16-6779 (JLL)

ORDER

This matter having come before the Court on Plaintiff Jeffrey M. Harty's motion to reinstate his complaint in which Plaintiff seeks reconsideration of the dismissal of his complaint without prejudice (ECF No. 8), the Court having considered the motion and the various letters Plaintiff submitted in support thereof (ECF Nos. 9-11, 13), and for the reasons set forth in the accompanying opinion,

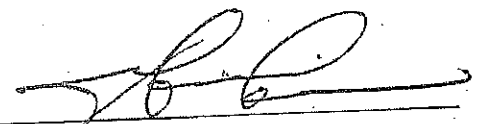
IT IS on this 22nd day of February, 2017,

ORDERED that the Clerk of the Court shall re-open this matter for the purposes of this Order only; and it is further

ORDERED that Plaintiff's motion seeking reconsideration of the dismissal of his complaint (ECF No. 8) is hereby DENIED; and it is further

ORDERED that Plaintiff is granted leave to file an amended complaint within thirty (30) days of the date of this Order addressing the deficiencies raised in this Court's prior screening opinion (ECF No. 4); and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Order and the accompanying Opinion upon Plaintiff by regular mail and shall CLOSE the file.

A handwritten signature in black ink, appearing to read 'Jose L. Linares', written over a horizontal line.

Hon. Jose L. Linares,
United States District Judge

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JEFFREY M. HARTY,

Plaintiff,

v.

STATE OF NEW JERSEY, et al.

Defendants.

Civil Action No. 16-6779 (JLL)

OPINION

LINARES, District Judge:

Currently before the Court is Plaintiff Jeffrey M. Harty's motion to re-instate his case in which Petitioner requests that this Court reconsider its order dismissing his complaint as time barred and for failure to state a claim for relief. (ECF No. 8). Also before the Court are the various letters Plaintiff has submitted in support of his reconsideration motion. (ECF Nos. 9-11, 13). For the following reasons, this Court will deny Plaintiff's motion for reconsideration, but will permit Plaintiff thirty days within which to file an amended complaint.

I. BACKGROUND

In or about September 2016, Plaintiff, Jeffrey M. Harty, filed with this Court a purported complaint in which he sought to raise claims against, *inter alia*, his former wife, several police and sheriff's officers, court employees, prosecutors, and a state judge based on violations of his rights pursuant to 42 U.S.C. § 1983. (ECF No. 1 at 17; ECF No. 1-1 at 1). On November 10, 2016,

this Court entered an order and opinion screening that complaint. (ECF Nos. 4-5). In that opinion, this Court dismissed all of Plaintiff's claims without prejudice for the following reasons: some for failure to state a claim because the complaint contained mostly conclusory allegations of wrongdoing; because Plaintiff had failed to plead favorable termination or an absence of probable cause as to his claims against the prosecutors and officers for malicious prosecution or retaliatory prosecution; and the remainder because they had accrued more than two years before the filing of the complaint and were therefore time barred absent some form of tolling. (ECF No. 4 at 5-10). Because Plaintiff had not addressed the time bar and because his remaining claims were dismissed without prejudice, this Court specifically granted Plaintiff leave to file an amended complaint within thirty days addressing the issues discussed in the Court's screening opinion. (*Id.* at 10; ECF No. 5).

On December 9, 2016, Plaintiff, instead of filing an amended complaint, filed with this Court a motion to re-instate his case, which he has since clarified was meant to be a motion for reconsideration of the Court's dismissal of his original complaint. (ECF No. 8; *see also* ECF No. 9 at 1). In his motion and related letters, Plaintiff requests that this Court reconsider the dismissal of his complaint without prejudice and reinstate his original complaint. (ECF Nos. 8-11, 13). In support of that request, Plaintiff provides the Court with: copies of the text of various statutes, judicial ethical canons, and portions of the New Jersey State constitution; and a reiteration of Plaintiff's mostly conclusory allegations of wrongdoing by the various Defendants, most of which concern events that occurred between 2006 and 2013. (*Id.*). In his motion for reconsideration, Plaintiff does provide new allegations in support of some of his claims of excessive force, but these additional facts go to claims that this Court dismissed as time barred, an issue Plaintiff has chosen

old matters, or to raise arguments or present evidence or allegations that could have been raised prior to entry of the original order, and courts should only grant such a motion where the prior decision "overlooked a factual or legal issue that may alter the disposition of the matter." *Delanoy*, 2015 WL 2235103, at *2.

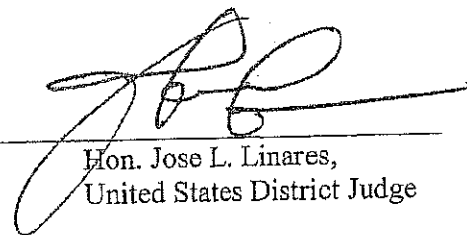
In his motion and supporting letters, Plaintiff fails to set forth any change in intervening law or newly discovered evidence that was not previously available to him which would be sufficient to warrant the reconsideration of this Court's screening opinion. Plaintiff likewise fails in his motion to provide any argument as to what factual allegations or dispositive points of law he believes the Court may have overlooked in dismissing his complaint without prejudice. Plaintiff instead merely reiterates his many claims, largely in conclusory fashion, without addressing the conclusory nature of his original complaint or the time bar issue that led to the dismissal of the largest group of his claims. Although Plaintiff's motion and letters do provide some new information regarding his claims, a motion for reconsideration is not the proper means for presenting information that was previously available to Plaintiff that Plaintiff failed to include in his initial filings, nor is it a proper means by which a Plaintiff can amend a previous deficient filing. *Delanoy*, 2015 WL 2235103, at *2. Nothing in Plaintiff's current motion or his supporting letters indicates that this Court overlooked any crucial factual or legal issues in dismissing Plaintiff's original complaint, nor that any miscarriage of justice occurred as a result of that dismissal. As such, Plaintiff has set forth no valid basis for reconsideration, and his motion must be denied. *Id.*

If Plaintiff wishes to pursue his claims by clarifying his allegations, adding additional details to those claims that were dismissed as conclusory, or adding allegations regarding the

favorable termination prong of his malicious prosecution claims, the correct means by which to do so is not through a motion for reconsideration such as the one he filed here, but rather through the filing of an amended complaint addressing the deficiencies raised in this Court's screening Opinion. Because it appears that Plaintiff may have additional factual allegations that he would like to raise before this Court, and because Plaintiff has still yet to address the most pressing bar which applies to most of his claims – the statute of limitations – this Court will once again provide Plaintiff leave to file an amended complaint addressing these deficiencies within thirty days. Should Plaintiff choose to file an amended complaint, however, he should be mindful that he should present all of his claims in a single, operative amended complaint; he will not be permitted to amend his complaint via the filing of numerous piecemeal amendments in letter form as he has attempted to do with his motion for reconsideration.

III. CONCLUSION

For the reasons stated above, Plaintiff's motion for reconsideration shall be DENIED. Plaintiff is granted leave, however, to file an amended complaint within thirty days addressing the deficiencies raised in this Court's prior Opinion (ECF No. 4). An appropriate Order follows.



Hon. Jose L. Linares,
United States District Judge

Dated: February 22nd, 2017

Other Orders/Judgments

2:16-cv-06779-JLL-JAD HARTY
v. HARTY et al

PROSE-PR,PS3

U.S. District Court

District of New Jersey [LIVE]

Notice of Electronic Filing

The following transaction was entered on 2/22/2017 at 2:49 PM EST and filed on 2/22/2017

Case Name: HARTY v. HARTY et al

Case Number: 2:16-cv-06779-JLL-JAD

Filer:

Document Number: 14

Docket Text:

OPINION. Signed by Judge Jose L. Linares on 2/22/2017. (JB,)

2:16-cv-06779-JLL-JAD Notice has been electronically mailed to:

2:16-cv-06779-JLL-JAD Notice will not be electronically mailed to::

JEFFREY M HARTY

32309

MORRIS COUNTY CORRECTIONAL FACILITY

43 JOHN STREET

MORRISTOWN, NJ 07963

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1046708974 [Date=2/22/2017] [FileNumber=9957645-0
] [99532c4f3abf917ffedc24625b37185901d30c77257423c49ed3deb847fb424ff2a
953eafa37b9e69c04a690e5d0ffc4273b8724a6b5be0d4f256ba7ab341429]]

Other Orders/Judgments

2:16-cv-06779-JLL-JAD HARTY
v. HARTY et al

PROSE-PR,PS3

U.S. District Court

District of New Jersey [LIVE]

Notice of Electronic Filing

The following transaction was entered on 11/14/2016 at 11:15 AM EST and filed on 11/10/2016

Case Name: HARTY v. HARTY et al

Case Number: 2:16-cv-06779-JLL-JAD

Filer:

WARNING: CASE CLOSED on 11/10/2016

Document Number: 5

Docket Text:

ORDER OF DISMISSAL, that Plaintiff's Complaint (ECF No. 1) is hereby Dismissed without prejudice in its entirety. It is further Ordered that Plaintiff is granted leave to file an amended complaint within thirty (30) days of the date of this Order addressing the issues in the accompanying Opinion, the Clerk shall close the file. Signed by Judge Jose L. Linares on 11/10/2016. (JB,)

2:16-cv-06779-JLL-JAD Notice has been electronically mailed to:

2:16-cv-06779-JLL-JAD Notice will not be electronically mailed to::

JEFFREY M HARTY

32309

MORRIS COUNTY CORRECTIONAL FACILITY

43 JOHN STREET

MORRISTOWN, NJ 07963

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1046708974 [Date=11/14/2016] [FileNumber=9722984-0] [830641f0739fb62660d5237f2fe0b5c314fc43d13f3befbbd39f34069449979513a3d0d61b0b1043c5a816c5eba475e166cca8e3adfb10794b94b505541492f0]]

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JEFFREY M. HARTY,

Plaintiff,

v.

STATE OF NEW JERSEY, et al.,

Defendants.

Civil Action No. 16-6779 (JLL)

ORDER

Leave to proceed in this Court without prepayment of fees is authorized. *See* 28 U.S.C. § 1915. This case is subject to *sua sponte* screening by the Court, and the Complaint will be screened in due course.

IT IS therefore on this 17th day of October, 2016,

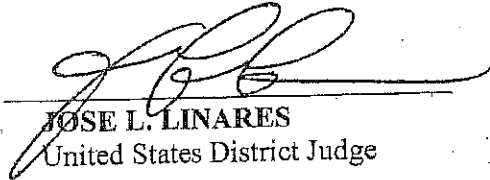
ORDERED that Plaintiff's application to proceed *in forma pauperis* (ECF No. 1 at 91-96) is hereby granted; and it is further

ORDERED that the Complaint shall be filed; and it is further

ORDERED that SUMMONS SHALL NOT ISSUE AT THIS TIME, as the Court's *sua sponte* screening has not yet been completed; and it is further

ORDERED that the time to serve process under FED. R. CIV. P. 4(m) is hereby extended to the date 90 days after the Court permits the Complaint to proceed; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Plaintiff by regular mail.


JOSE L. LINARES

United States District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JEFFREY M. HARTY,

Plaintiff,

v.

STATE OF NEW JERSEY, et al.,

Defendants.

Civil Action No. 16-6779 (JLL)

ORDER

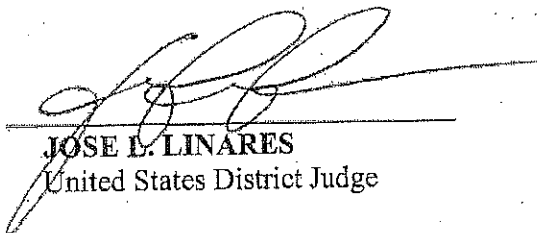
This matter having come before the Court on the Court's *sua sponte* screening of Plaintiff Jeffrey M. Harty's complaint (ECF No. 1) pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A; the Court having reviewed Plaintiff's complaint and having determined that Plaintiff has failed to state a claim for which relief may be granted for the reasons set forth in the accompanying opinion,

IT IS on this 10th day of November, 2016,

ORDERED that Plaintiff's complaint (ECF No. 1) is hereby DISMISSED WITHOUT PREJUDICE in its entirety; and it is further

ORDERED that Plaintiff is granted leave to file an amended complaint within thirty (30) days of the date of this Order addressing the issues raised in the accompanying opinion; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Order and the accompanying Opinion upon Plaintiff by regular mail and shall CLOSE the file.


JOSE L. LINARES

United States District Judge

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JEFFREY M. HARTY,

Plaintiff,

v.

STATE OF NEW JERSEY, et al.,

Defendants.

Civil Action No. 16-6779 (JLL)

OPINION

LINARES, District Judge

Currently before the Court is the complaint of Plaintiff, Jeffrey M. Harty. (ECF No. 1). As Plaintiff has been granted *in forma pauperis* status and is a prisoner seeking to sue state officials, this Court is required to screen his complaint pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A. Pursuant to these statutes, this Court must dismiss Plaintiff's claims if they are frivolous, malicious, fail to state a claim for relief, or seek damages from a defendant who is immune. For the reasons set forth below, this Court will dismiss Plaintiff's complaint without prejudice as all of his claims either are time-barred or fail to state a claim for which relief may be granted.

I. BACKGROUND

Plaintiff attempts to raise many claims for violations of his constitutional rights based on various occurrences over the last decade that began with an incident involving his now ex-wife. According to his complaint, in December 2006, Plaintiff reported his ex-wife Blanche Harty to the police for domestic violence and sexual assault. (ECF No. 1 at 11). Following that complaint,

in June 2007, Blanche "retaliated" against him by "using her cop friends" to cover up her actions by having a pair of state judges, Judge Stuart Minkowitz of Morris County and Judge Peter Conforti of Sussex County, issue a restraining order against Plaintiff based on wounds suffered by Blanche, resulting in criminal charges against him. (*Id.* at 7).¹ Plaintiff's prosecution was apparently diverted into the PTI program. (*Id.*) Plaintiff asserts that he was "maliciously prosecuted" as to the unspecified offense, and that his assigned attorney failed to adequately represent him. (*Id.*)

According to Plaintiff, this first arrest eventually resulted in a series of false arrests and malicious prosecutions, resulting in him being arrested for and/or convicted of resisting arrest, assaulting a police officer, violations of local ordinances, obstruction of justice, and the like. (*Id.* at 12-13). Plaintiff also states that, during his various periods of imprisonment between 2007 and June 2014, he has frequently been assaulted by guards, police officers, and other inmates, although Plaintiff provides little more than a series of conclusory allegations as to these incidents. (*Id.* at 12-13). Most of these alleged assaults occurred between 2011 and June 2014. (*Id.*)

The only allegations that Plaintiff makes that arise after June 2014 relate to his being arrested for violations of various restraining orders. The first of these arrests occurred in June 2014, when a New Jersey Superior Court employee reported that Plaintiff violated a restraining order preventing him from contacting court personnel based on Plaintiff speaking with the employee in a coffee shop. (*Id.* at 14). Plaintiff states that this resulted in his being imprisoned for four months in Essex County, and thereafter being committed to Trenton State Psychiatric

¹ Plaintiff suggests Judge Minkowitz was involved in the order that was signed by Judge Conforti, and further states that Judge Minkowitz was not yet on the bench at the time. (*Id.*)

Hospital for a mental evaluation. (*Id.*). Plaintiff apparently remained committed for six months, and was allegedly "assaulted by Marcus Copeland" while staff did "nothing." (*Id.*). Plaintiff also refers to two other individuals, but does not specify who they are or what relevance they have to his claims. (*Id.*). Plaintiff thereafter alleges that his prosecution for the restraining order offense was undertaken by the prosecutor in retaliation for his reporting Judge Minkowitz for allegedly impersonating a judge before his appointment to the bench. (*Id.*).

Plaintiff next asserts that, in June 2015, he was again arrested for violating that same restraining order when a Shirley McMurray reported him having contact with her. This report led to his being "maliciously prosecuted" once again, resulting in another six months in jail. (*Id.* at 15). Upon his release, Plaintiff alleges he was once again arrested, this time for violating his ex-wife's restraining order which required him to be more than 300 feet from her home. (*Id.*). Plaintiff appears to still be fighting that charge. (*Id.*).

II. DISCUSSION

A. Legal Standard

Per the Prison Litigation Reform Act, Pub. L. No. 104-134, §§ 801-810, 110 Stat. 1321-66 to 1321-77 (April 26, 1996) ("PLRA"), district courts must review complaints in those civil actions in which a prisoner is proceeding *in forma pauperis*, see 28 U.S.C. § 1915(e)(2)(B), or seeks damages from a state employee, see 28 U.S.C. § 1915A. The PLRA directs district courts to *sua sponte* dismiss any claim that is frivolous, is malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. This action is subject to *sua sponte* screening for dismissal under 28 U.S.C. § 1915A

because Plaintiff is a convicted state prisoner who is seeking redress from governmental entities and their employees.

According to the Supreme Court's decision in *Ashcroft v. Iqbal*, a "pleading that offers 'labels and conclusions' or 'a formulaic recitation of the elements of a cause of action will not do.'" 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). To survive *sua sponte* screening for failure to state a claim, the complaint must allege "sufficient factual matter" to show that the claim is facially plausible. *Fowler v. UPMC Shadyside*, 578 F.3d 203, 210 (3d Cir. 2009) (citation omitted).² "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Fair Wind Sailing, Inc. v. Dempster*, 764 F.3d 303, 308 n.3 (3d Cir. 2014) (quoting *Iqbal*, 556 U.S. at 678). Moreover, while *pro se* pleadings are liberally construed, "*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) (citation omitted) (emphasis added).

B. Analysis

In his complaint, Plaintiff attempts to raise several claims in which he asserts that police officers, prosecutors, state judges, prison guards, and private citizens violated his rights pursuant

² "The legal standard for dismissing a complaint for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) is the same as that for dismissing a complaint pursuant to Federal Rule of Civil Procedure 12(b)(6)." *Schreane v. Seana*, 506 F. App'x 120, 122 (3d Cir. 2012) (citing *Allah v. Seiverling*, 229 F.3d 220, 223 (3d Cir. 2000)); *Mitchell v. Beard*, 492 F. App'x 230, 232 (3d Cir. 2012) (discussing 28 U.S.C. § 1997e(c)(1)); *Courteau v. United States*, 287 F. App'x 159, 162 (3d Cir. 2008) (discussing 28 U.S.C. § 1915A).

to 42 U.S.C. § 1983. “To establish a claim under 42 U.S.C. § 1983, a plaintiff must demonstrate a violation of a right protected by the Constitution or laws of the United States that was committed by a person acting under the color of state law.” *Nicini v. Morra*, 212 F.3d 798, 806 (3d Cir. 2000); *see also Woodyard v. Cnty. of Essex*, 514 F. App’x 177, 180 (3d Cir. 2013) (section 1983 provides “private citizens with a means to redress violations of federal law committed by state [actors]”). “The first step in evaluating a section 1983 claim is to ‘identify the exact contours of the underlying right said to have been violated’ and to determine ‘whether the plaintiff has alleged a deprivation of a constitutional right at all.’” *Nicini*, 212 F.3d at 806 (quoting *County of Sacramento v. Lewis*, 523 U.S. 833, 841 n. 5 (1998)). In his complaint, Plaintiff specifically appears to be raising false imprisonment, malicious prosecution, retaliation, failure to protect, and excessive force claims.

1. Malicious Prosecution

Turning first to Plaintiff’s various malicious prosecution claims, Plaintiff asserts that the litany of charges he has faced over the last nine years have all been the result of unconstitutional and malicious actions on the part of various prosecutors, pool attorneys, and public defenders.

To state a claim for malicious prosecution, a Plaintiff must allege the following elements:

(1) the defendant initiated a criminal proceeding; (2) the criminal proceeding ended in [the plaintiff’s] favor; (3) the defendant initiated the proceeding without probable cause; (4) the defendant acted maliciously or for a purpose other than bringing the plaintiff to justice; and (5) the plaintiff suffered [a] deprivation of liberty consistent with the concept of seizure as a consequence of a legal proceeding.

Johnson v. Knorr, 477 F.3d 75, 82 (3d Cir. 2007). That a plaintiff’s criminal proceedings terminated in his favor is thus a requirement for bringing a malicious prosecution claim. *Id.*

Although Plaintiff raises a handful of different incidents in which he alleges he was maliciously prosecuted, he fails to allege that any of these prosecutions terminated in his favor. Instead, Plaintiff repeatedly mentions his charges being downgraded, or his having pleaded to a lesser offense. Plaintiff does not assert that he has ever been acquitted or had all charges dismissed in any of these incidents, and instead suggests that he has been sentenced to jail time on multiple occasions. Plaintiff has thus failed to allege favorable termination as to any of his malicious prosecution claims, and all of those claims fail to state a claim for relief as a result. *Id.*

2. Plaintiff's Trenton State Psychiatric Hospital assault related claims

Plaintiff also claims that he was "assaulted" by a Marcus Copeland, and possibly by two other individuals, during his six month commitment to the Trenton State Psychiatric Hospital. It is not clear when this alleged assault occurred, though it appears to have been sometime after June 2014. Plaintiff provides very few details as to these claims, stating only that he was "attacked and assaulted" resulting in his needing three stitches and that "staff [did] nothing." To the extent that Plaintiff asserts that another inmate/patient attacked him, that claim would fail to state a claim for relief under § 1983 as a fellow inmate/patient would not be acting under color of state law. *See, e.g., Woodyard*, 514 F. App'x at 180 (§ 1983 offers redress only for actions taken by state actors acting under color of state law); *see also Kach v. Hose*, 589 F.3d 626, 646 (3d Cir. 2009) (§ 1983 does not provide a cause of action against private individuals or those not acting under color of state law).

Construing Plaintiff's claims broadly, however, Plaintiff's assertion that staff did nothing to help him could be construed as a claim that staff failed to protect him. A failure to protect claim generally requires that a plaintiff plead that he was held under conditions posing a substantial risk of serious harm, that an official was deliberately indifferent to that risk of harm, and that the deliberate indifference resulted in harm to Plaintiff. *See, e.g., Parkell v. Markell*, 622 F. App'x 136, 139 (3d Cir. 2015); *Bistran v. Levi*, 696 F.3d 352, 366-67 (3d Cir. 2012). "Deliberate indifference' in this context is a subjective standard: 'the . . . defendant must actually have known or been aware of the excessive risk to inmate safety.'" *Id.* Here, Plaintiff pleads little more than a conclusory allegation to suggest that hospital staff failed to protect him. He pleads no facts establishing that his attacker had threatened him or that staff otherwise had reason to know that Plaintiff's attacker was in any way a danger to Plaintiff specifically or to all others generally. Thus, Plaintiff has failed to plead facts sufficient to allow the inference that staff should have been aware of an excessive risk to his safety, and has thus likewise failed to show that there was deliberate indifference to such a risk. Plaintiff's failure to protect claim thus fails to state a claim for relief and must be dismissed without prejudice as such.

3. Plaintiff's post-June 2014 retaliation claim

The last of Plaintiff's claims, which arises after June 2014,³ is his claim that the First Assistant Prosecutor of Morris County indicted him for the June 2014 restraining order violation

³ It is not clear exactly when Plaintiff was indicted, tried, and sentenced on this claim, so this Court will assume that this alleged retaliation extends through September 2014 for the purposes of this screening opinion only. If this alleged retaliation had completed prior to September 2014, this claim, too, would be time barred for the reasons discussed below.

in “retaliation” for Plaintiff’s having filed a complaint against Judge Minkowitz with the State Advisory Committee on Judicial Conduct. “In order to plead a retaliation claim under the First Amendment, a plaintiff must allege: (1) constitutionally protected conduct, (2) retaliatory action sufficient to deter a person of ordinary firmness from exercising his constitutional rights, and (3) a causal link between the constitutionally protected conduct and the retaliatory action.” *Thomas v. Independence Twp.*, 463 F.3d 285, 296 (3d Cir. 2006); *see also Mitchell v. Horn*, 318 F.3d 523, 530 (3d Cir. 2003). The “key question in determining whether a cognizable First Amendment claim has been stated is whether ‘the alleged retaliatory conduct was sufficient to deter a person of ordinary firmness from exercising his First Amendment rights.’” *Thomas*, 463 F.3d at 296 (quoting *McKee v. Hart*, 436 F.3d 165, 170 (3d Cir. 2006)). Where a retaliation claim is based on an allegation of retaliatory prosecution, however, a plaintiff must “allege[] and prove[]” an absence of probable cause. *See Hartman v. Moore*, 547 U.S. 250, 252 (2006).

Here, Plaintiff fails to adequately plead an absence of probable cause. As to that requirement, he does little more than allege in a conclusory fashion that his prosecution for the June 2014 restraining order violation was malicious in nature and instigated by a court employee. Even if Plaintiff had properly alleged probable cause, however, his claim fails for another reason – the only defendant Plaintiff names in the June 2014 related retaliatory prosecution claim is the prosecutor himself. Prosecutors, however, are absolutely immune under § 1983 for their decisions to prosecute, and a retaliatory prosecution claim against them must fail as a matter of law. *Hartman*, 547 U.S. at 261-62. As the only named Defendant for Plaintiff’s retaliatory prosecution claim is absolutely immune, Plaintiff’s 2014 retaliatory prosecution claim must be dismissed. *Id.*

4. Plaintiff's remaining non-malicious prosecution claims based on events prior to June 2014

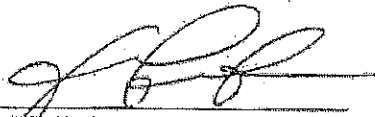
Petitioner's remaining claims all arise out of events that occurred during or before June 2014, including alleged false arrests, incidents of excessive force, and retaliations. Because Plaintiff did not file this matter until September 2016, all of these events occurred more than two years before the filing of Plaintiff's complaint. In New Jersey, actions brought pursuant to 42 U.S.C. § 1983 are subject to a two year statute of limitations. *See, e.g., Patyrak v. Apgar*, 511 F. App'x 193, 195 (3d Cir. 2013). "Under federal law, a cause of action accrues, and the statute of limitations begins to run, when the plaintiff knew or should have known of the injury upon which its action is based." *Kach*, 589 F.3d at 634. For false arrest and false imprisonment claims, the statute of limitations runs from the date on which the plaintiff becomes detained pursuant to legal process, such as via a bail hearing, arraignment, or the like. *Wallace v. Kato*, 549 U.S. 384, 397 (2007).

All of Plaintiff's pre-June 2014 claims other than the malicious prosecution claims raised above would have accrued, at the latest, by the time Plaintiff was apparently sentenced in June 2014 to four months of imprisonment in Essex County. As all of these claims therefore had accrued more than two years before Plaintiff filed his current complaint, those claims would be time barred absent some basis for the equitable tolling of the statute of limitations. *Kach*, 589 F.3d at 634; *Patyrak*, 511 F. App'x at 195. As Plaintiff has presented no basis for such tolling in his complaint, and as this Court perceives no such basis on the facts alleged therein, Plaintiff's remaining claims must be dismissed as time barred at this time. Because Plaintiff has not yet had

an opportunity to respond to the time bar issue, however, this Court will dismiss those claims without prejudice and permit Plaintiff to raise any basis he may have for the equitable tolling of the statute of limitations in an amended complaint within thirty days.⁴

III. CONCLUSION

For the reasons stated above, Plaintiff's complaint shall be DISMISSED WITHOUT PREJUDICE. Plaintiff is granted leave, however, to file an amended complaint within thirty days addressing the deficiencies raised in this Opinion. An appropriate order follows.


JOSE L. LINARES
United States District Judge

Dated: November 10, 2016

⁴ Although this Court need not reach the issue because Plaintiff's claims either are all time barred or fail to state a claim for relief as discussed above, this Court also notes that many of the purported Defendants named by Plaintiff are either improper Defendants or immune from suit under § 1983. See, e.g., *Walker v. Pennsylvania*, 580 F. App'x 75, 78 (3d Cir. 2014) (public defenders and assigned counsel immune from suit under § 1983 while acting in their professional capacity as appointed counsel); *Kach*, 589 F.3d at 646 (private actors who are not acting under color of state law not subject to suit under § 1983); *LeBlanc v. Stedman*, 483 F. App'x 666, 669 (3d Cir. 2012) (prosecutors absolutely immune for actions taken within the scope of their duties in initiating and pursuing criminal prosecutions); *Kwasnik v. Leblon*, 228 F. App'x 238, 243 (3d Cir. 2007) (a "judicial officer in the performance of his or her duties has absolute immunity from suit").

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Civil Action No. 16-6779 (JLT)

ORDER

Plaintiff,

JEFFREY M. HARTY,

v.

STATE OF NEW JERSEY, et al.,

Defendants.

This matter having come before the Court on Plaintiff Jeffrey M. Harty's letter request for an extension of time within which to file an amended complaint (ECF No. 6), the Court having considered the request, and good cause having been shown,

IT IS on this 1st day of December, 2016,

ORDERED that the Clerk of the Court shall re-open this matter for the purposes of this

Order only, and it is further

ORDERED that Plaintiff's extension request (ECF No. 6) is hereby GRANTED; and it is

further

ORDERED that Plaintiff may file his amended complaint within thirty (30) days of the

date of this Order, and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Plaintiff by

regular mail and shall CLOSE the file.

Hon. Jose L. Linares,
United States District Judge