

# MAYOR RAS BARAKA REAFFIRMS MALICIOUS PROSECUTION CLAIM

Some weeks ago, DOJ attempted to bigfoot Newark Mayor Ras Baraka's malicious prosecution claim, arguing that it had to be dismissed right away.

Today, his attorney, Yael Bromberg, (who recently took over the suit) responded, accusing Ricky Patel of lying on his arrest complaint.

On May 9, 2025, the Mayor, accompanied by his security detail, including Newark Police Department officers, was undisputedly permitted entry by a GEO Group guard, who allowed passage through the secured gate surrounding the outer perimeter of Delaney Hall. Forty minutes later, Defendant Ricky J. Patel arrived on the scene with approximately 20 heavily armored agents, joining various security guards already present there. Patel suddenly threatened the Mayor with arrest should he not depart from property which Patel is neither an owner nor a representative of. 4 Although the congressional representatives objected to his ejection, the Mayor advised Patel that he would leave, and he immediately did so peacefully. The charging document, signed by Defendant Patel, includes false statements that the Mayor "unlawfully entered and remained" on the property, and key omissions of fact that Patel already knew: that the Mayor was allowed onto the property by GEO, who opened the gate for his entry and allowed him to stay there for forty minutes, and that he exited the property willfully. Defendant Habba immediately propagated a false narrative, before the Mayor was even transported from Delaney, and then on national television,

claiming that he “storm[ed]” Delaney Hall “joined by a mob of people,” and that he “broke into a detention facility.” (Am. Compl. ¶ 39, ¶¶ 34-41).<sup>5</sup>

[snip]

Nor does this litigation concern a new Bivens context, as Defendants argue. “[F]ollowing [the United States Supreme] Court’s precedents, the Districts Courts and Courts of Appeals have decided numerous cases involving Fourth Amendment claims under §1983 for malicious prosecution.” *Thompson v. Clark*, 596 U.S. 36, 42 (2022) (string citation omitted). “[N]early every other Circuit has held that malicious prosecution is actionable under the Fourth Amendment to the extent that the defendant’s actions cause the plaintiff to be ‘seized’ without probable cause.” *Id.* (reference omitted). Claims of malicious prosecution must show that the proceedings were initiated “without probable cause” and that the defendants “acted maliciously for a purpose other than bringing the plaintiff to justice.” *Zimmerman v. Corbett*, 873 F.3d 414 (3d Cir. 2017). Those circumstances are immediately present here.

Bromberg plans to amend the complaint. Given the video showing Ricky Patel operating on instructions from Todd Blanche (which Bromberg cites), I would be unsurprised if he added Blanche to the suit.