

*as
administrator of the Estate of Khalil Islam, also
known as Thomas Johnson, Deceased*

**OPINION
AND ORDER**

**OPINION
AND ORDER**

Id.

See

Johnson v. United States

Greene

*Aziz v. United States
Greene Johnson*

id.

Id.

Id.

Id. ¶

id.

id.

id.

id.

GRANTED in part

DENIED in part

GRANTS

DENIES

BACKGROUND

See, e.g. LaFaro v. N.Y. Cardiothoracic Grp.

A. The Assassination of Malcolm X

Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id. ¶

Id. ¶

Id.

Id.

Id. ¶

Id.

Id.

Id. ¶

Id.

B. The FBI's Role in the Investigation

Id. ¶

Id.

Id.

Id. ¶

Id. ¶

Id. ¶

Id. ¶

Id. ¶¶

Id. ¶

Id. ¶

Id. ¶¶

Id. ¶

Id. ¶¶

Id. ¶

Id. ¶

Id. ¶¶

Id.

Id.

Id.

Id.

see infra

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Id.

Id. ¶

Id.

Id. ¶

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C. The Arrest, Trial, and Conviction

Id. ¶

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Id.

Id.

Id.

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Id. ¶¶

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Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id. ¶

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Id. ¶

Id.

Id. ¶

Id. ¶

Id.

D. The Post-Conviction Proceedings

Id. ¶

Id. ¶

Id.

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Id.

Id. ¶

Id. ¶

Id. ¶

Id.

Id. ¶

Id.

Id.

Id. ¶¶

*there is
no mention or indication of the name of, or reference to, any of the persons
identified by Halim*

Id. ¶

Id. ¶

There appears to be nothing in any of these redacted documents which corroborates the allegations in Halim's affidavits, or which is otherwise supportive of the instant motion

and which contain no original information developed by the FBI

Id. ¶

Id. ¶

Id. ¶¶

Id. ¶

Id. ¶

Id.

¶

Id. ¶

Id. ¶

Id. ¶

¶

E. The Reinvestigation and Exoneration

See *Malcolm X Assassination May Be Reinvestigated as
Netflix Documentary, Lawyers Cast Doubt on Convictions*

¶

Id.

Id. ¶

Id. ¶

Id. ¶

Id. ¶

F. Procedural History of this Action

Id.

LEGAL STANDARDS

Makarova v. United States

Natural Res. Def. Council v. Johnson

Sacerdote v. N.Y. Univ.

Ashcroft v. Iqbal

Id.

Id.

Bell Atl. Corp. v. Twombly

DISCUSSION

See

See

A. Plaintiffs' Malicious Prosecution Claims

1. Sovereign Immunity

United States v. Sherwood

Molzof v. United States

See

Liranzo v. United

States

See

Provided

this proviso *any claim arising, on or after the date of the enactment of*

Dettelis v. Sharbaugh

Murphy v. Lynn

See

See

all

a. The Plain Language of the Statute

In re

Ames Dep't Stores, Inc.

Hedges v. Obama

Id. *Corley v. United States*

see

Id. *Conn. Nat'l Bank v.*

Germain

claim arising, on or after the date of the enactment

Id.

acts

Claim

see also Claim

States
Id.

Molzof

Morissette v. United

Claim

supra

Arise

supra see also Arise

supra

accord Jones v. R.R. Donnelley & Sons Co.

See

accord

See Heck v. Humphrey

Id.

Murphy

arise

See, e.g.

O'Dell v. Cnty. of Livingston

see also, e.g. Gill v. City of

New York

Stampf v. Metro. Transp. Auth.

Vitale v. Hagan

aff'd as modified

Heck v. Humphrey

Heck

deny[ing] the existence

Heck

has not yet arisen

Heck

Id.

Id.

Heck

b. Canons of Construction

See

See Hedges

See

accruing

accrues

comes into existence *Accrual of cause of action*

see also

Accrue *supra*

Sosa v. Alvarez-Machain

Sosa

Sosa

See

Landgraf v. USI Film Prods.

Id.

Landgraf

See id.

Id.

Id.

occurring on or after the date of the enactment of

Sosa

Id.

Id.

not

See

this proviso

a claim

Long Island Radio Co. v. NLRB

See F.A.A. v. Cooper

See Boos v. Runyon

id.

See Irwin v. Dep't of Veterans Affs.

conduct

occur

claim

arise

claim

reprinted in

Id.

id.

this

Limone v. United States

Limone v. United States

c. Caselaw

See Limone

Limone

Id.

Id.

Id.

Id.

inter alia

Id.

See id.

legal right

Id.

legal right

Id.

Id.

see

Diminnie v. United States

Diminnie v. United States

See id. Diminnie

Ames v.

United States

Ames v. United States

See id.

Ames

Limone

id.

Id.

infra

See id.

Gaudet v. United States

See Gaudet v. United States

Regan v. Sullivan

Regan v. Sullivan

Id.

also

See Regan v. Sullivan

Regan

2. The Elements of Malicious Prosecution

Pennington v. United States
Village of Hempstead

Spock v. United States

Dupree v.

Dettelis

Rohman v. N.Y.C. Transit Auth.

Manganiello v. City of New York

New York

Buari v. City of

Bailey v. City of New York

Id.

Manganiello

see also Costello v.

Milano

See, e.g.

Id.

Rohman

id.

See Roberts v. City of New York

aff'd

Savino v. City of New York

Zellner v. Summerlin

Boyd v. City of New York

Colon v. City of New York

see

see id.

See

B. Plaintiffs' IIED, Negligence, and NIED Claims

see

see

1. Statute of Limitations

Barrett v. United States

Id.

Heck v. Humphrey

Heck

Id.

McDonough v. Smith

Wallace v. Kato

Heck

of an extant conviction

Wallace v. Kato

Heck See id.

Wallace

Heck

Id.

Id.

Heck

Heck

Heck

Heck

Heck

See

Heck

Heck

See, e.g. Erlin v. United States

Heck

Heck

Parris v.

United States

Heck

Heck

Bivens

Tavarez v. Reno

Bivens v. Six Unknown Named

Agents of Federal Bureau of Narcotics

Heck

Bivens

Heck

Wallace v. Kato

Heck

Wallace

See

Parish v. City of Elkhart

See

See

See Barrett

Wallace v. Kato

necessarily

Heck

Covington v. City of New York

Heck

Id.

See, e.g.

See Parish

Heck

Heck

See

2. Intentional Infliction of Emotional Distress

Stuto v. Fleishman

id.

id.

Heck

See

See

Blanco v. Success Acad. Charter

Schs., Inc.

if a private person

see United States v.

Olson

Rayonier v. United States

private

EEOC v. Die Fliederm Maus, L.L.C.

never

Rentas v. Ruffin

not

See, e.g. Stuto

Li v. Aponte

identical

Compare



with id.

Stuto

id.



See

3. Negligence

Watson v. United States

Id.

Watson See, e.g. *King v. United States*

Watson

See

Iqbal

4. Negligent Infliction of Emotional Distress

Mortise v. United States

Id.

Id.

Id.

Baker v. Dorfman

Johnson v. State

See id.

See

Id.

CONCLUSION

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DENIED in part

GRANTS

DENIES


