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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**MUSSAB ALI,**

*Plaintiff,*

v.

**JERSEY CITY BOARD OF  
EDUCATION;**

**NOEMÍ VELÁZQUEZ, in her personal  
and official capacities as President of the  
Jersey City Board of Education;**

**DEJON MORRIS, in his personal and  
official capacities as Vice President of the  
Jersey City Board of Education;**

**AFAF MUHAMMAD, in her personal  
and official capacities as Trustee of the  
Jersey City Board of Education;**

**NATALIA IOFFE, in her personal and  
official capacity as Trustee of the Jersey  
City Board of Education;**

Civil Action No. 2:26-cv-5754

**VERIFIED COMPLAINT FOR  
VIOLATION OF CIVIL RIGHTS,  
DECLARATORY RELIEF,  
INJUNCTIVE RELIEF, AND  
DAMAGES**

**JURY TRIAL DEMANDED**

**GEORGE BLOUNT, in his personal and official capacities as Trustee of the Jersey City Board of Education;**

**ALPA PATEL, in her personal and official capacities as Trustee of the Jersey City Board of Education;**

**NORMA FERNANDEZ, in her personal and official capacities as Superintendent of Jersey City Public Schools; AND**

**JOHN/JANE DOES 1–10 (identities presently unknown), individually and in their official capacities,**

*Defendants.*

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**VERIFIED COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE RELIEF AND DAMAGES**

Plaintiff Mussab Ali of Jersey City, New Jersey [full residential address to be provided under seal upon filing pursuant to L. Civ. R. 10.1, Fed. R. Civ. P. 5.2(f) and any applicable privacy protections] by and through undersigned counsel, brings this civil action for declaratory and injunctive relief and damages against the JERSEY CITY BOARD OF EDUCATION, President NOEMI VELAZQUEZ, Vice President DEJON MORRIS, Trustees AFAF MUHAMMAD, NATALIA IOFFE, GEORGE BLOUNT, ALPA PATEL, Superintendent NORMA FERNANDEZ, and JOHN/JANE DOES (collectively “Defendants”), of 346 Claremont Avenue, Jersey City, New Jersey 07305, for violations of the First and Fourteenth Amendments to the United States Constitution, 42 U.S.C. § 1983 pursuant to 28 U.S.C. § 1331, Article I, §§ 6 and 18, and Article II, § 3 of the New Jersey Constitution, and the New Jersey Civil Rights Act, and alleges as follows:

### NATURE OF THE CASE

1. This case is about what happens when government officials use the machinery of a public school board to silence a community leader and, in doing so, strip him of his right to speak, his right to assemble, his right to vote, and his good name.
2. Plaintiff Mussab Ali is a Pakistani-American immigrant, a Harvard Law School graduate, a cancer survivor, a former President of the Jersey City Board of Education, and a declared candidate for the United States House of Representatives in New Jersey's 8th Congressional District. He is the son of a postal worker and a public school teacher. He became the youngest elected official in Jersey City history at age twenty. He is, by any measure, a person whose entire life has been defined by community service and civic engagement.
3. On February 13, 2026, students from Jersey City public high schools — acting on their own initiative, moved by fear and conviction — walked out of school to protest United States Immigration and Customs Enforcement activity targeting their families and community. They did what young Americans have done for generations. They organized, they marched, and they raised their voices at City Hall.
4. Plaintiff Ali was among those who stood with them. He did not organize the walkout. He was not on school property. He was invited by the students themselves, as a trusted adult and community leader. Jersey City City Hall asked him to co-sign the permit for the protest at City Hall. He met the students outside school, walked with them to City Hall, and watched them exercise their First Amendment rights along with several elected City Counsel members. Everything was peaceful. There were no incidents.

5. Days later, Defendant Dejon Morris, the Board's Vice President, spoke up at a public Board meeting accusing Ali of organizing the event himself and “intimidating” students into participating. Morris and others claimed Ali was a “threat,” and a “danger to students” because of his participation in a protest he did not plan or initiate. Morris then made a verbal motion to ban Ali from every school building in Jersey City absent specific written permission from the Superintendent. Without notice. Without investigation. Without a hearing. Without ever asking Ali a single question. The motion came with no advance warning on the meeting's public agenda. Board members themselves had not seen the text of the resolution before it was read aloud. The vote was 6-3. The audience booed.
6. Moments later, a reporter called Ali to tell him what had happened. Ali drove to the meeting to address the Board during public comment, arriving approximately thirty minutes after the vote. Security stopped him at the door, refusing to allow him to participate in public comment, speak to the Board members during their break, or fully engage in the meeting. The Board’s attorney confirmed, despite the Board's own resolution permitting him to attend public meetings, he could not speak publicly or privately to the Board and should instead send them an email the next day. It took nearly a month and at least three follow up emails and texts for the attorney to finally send Ali the Resolution via email. He has never been formally served, and the Resolution is still not posted on the Board’s website.
7. In the weeks that followed, Ali contacted the Superintendent at least twice to request permission to attend school events — events he had attended for years as a student, Board trustee, and Board of Education president in Jersey City. Both times, permission was

summarily denied. The Superintendent also belatedly refused participation in a student leadership event Ali had begun planning before the walkout, blaming financial concerns. But when Ali asked that the schools simply help spread the word about the event, the Superintendent stopped responding altogether. The event ultimately had to be canceled as a result.

8. The resolution brands Ali a danger to children, accuses him of jeopardizing student safety, and holds him to the same code of conduct that governs students, a code he, as a private citizen, was never subject to. Morris publicly and falsely called him a "threat" who used "intimidation and manipulation" to get students involved in the walkout. The Board, acting through its official Resolution and through public statements by its leaders, has stigmatized a congressional candidate and community leader before on the basis of allegations its own members acknowledged were uninvestigated.
9. But Defendants were not satisfied to leave Ali alone. On March 1, 2026, Defendants Velázquez and Morris appeared at a subsequent student-organized anti-ICE rally at City Hall. An elected official addressing the crowd made statements supportive of the student protestors and dared the school board to ban him, too. Morris shouted a vague threat of banning from the audience. When another activist on stage called out the Board's treatment of Ali and encouraged the crowd to vote the trustees out, Defendant Velazquez approached him from the audience, climbed the stairs to the stage, and put her finger in the man's chest. Velázquez told the Cuban-American activist who had criticized her: "ICE will come for me before they come for you," presumably a reference to the speaker's skin tone. Velazquez was later quoted as saying the speaker's comments were "unprofessional," but that even her own confrontation had been orchestrated by Ali.

“Other people that were back there told me it was Ali that sent him to do that,” she said.

Three Board trustees attended that same rally. Despite their aggressive and threatening behavior, none of them were banned. None of them were sanctioned.

10. Ali's designated polling place for the June 2, 2026 Democratic primary — the federal election in which he is himself a candidate — is inside a Jersey City public school. Under the terms of the Resolution, he cannot enter it without first contacting the Superintendent and receiving her explicit permission, which she has denied on every previous attempt. He is, in the most literal sense, banned from his own polling place.
11. Plaintiff brings this action to vindicate his First Amendment rights, his procedural due process rights, his right to vote and assemble, and his rights under the New Jersey Constitution and Civil Rights Act, and to hold accountable the government officials who, without a shred of lawful process and with transparent political motivation, converted a public school board into an instrument of political targeting and punishment.

## **PARTIES**

12. **Plaintiff Mussab Ali** is a natural person residing in Jersey City, Hudson County, New Jersey. His residential address is: Jersey City, New Jersey [full address to be supplied under seal upon filing pursuant to L. Civ. R. 10.1, Fed. R. Civ. P. 5.2(f)]. Ali is a registered voter in Jersey City, New Jersey. His designated polling place for all applicable elections, including the June 2, 2026 Democratic primary, is located on Jersey City Public Schools district property. He is a declared candidate for the United States House of Representatives in New Jersey's 8th Congressional District.
13. **Defendant Jersey City Board of Education** ("the Board") is a public body organized and existing under the laws of the State of New Jersey, N.J.S.A. 18A:1-1 et seq., with its

principal place of business at 346 Claremont Avenue, Jersey City, New Jersey 07305. At all times relevant to this Complaint, the Board acted under color of state law within the meaning of 42 U.S.C. § 1983.

**14. Defendant Noemí Velázquez** is a natural person residing in Jersey City, New Jersey. She is a retired public school educator and former aide to Governor Phil Murphy. She is a co-founder of Latinas United for Political Empowerment. Velázquez was first elected to the Board in 2019 and subsequently served as Vice President and President since 2025. She was re-elected to a second consecutive term as President in January 2026 by a vote of 5-4. At the February 19, 2026 meeting, Velázquez read the Resolution aloud before the vote and voted in favor of its adoption. She is sued individually in her personal and official capacities. Her business address is: 346 Claremont Avenue, Jersey City, New Jersey 07305.

**15. Defendant Dejon Morris** is a natural person residing in Jersey City, New Jersey. Morris is an at-large Trustee and current Vice President of the Jersey City Board of Education, having assumed office on January 5, 2024 and serving as Board President for most of 2024. He was elected on the union-backed “Education Matters” slate with Blount and Patel. Morris is a former detective with the Jersey City Police Department, from which he resigned in February 2025 after approximately 20 years of service. The New Jersey Annual Major Discipline Report reflects that Morris was the subject of sustained disciplinary findings during his law enforcement tenure, including findings that he failed to respond to a call for service, disobeyed a supervisor's order, failed to provide police services to a victim, failed to submit an investigation report in a timely manner, submitted an untruthful report, and lied during an internal affairs investigation. At the February 19,

2026 meeting, Morris introduced the motion to ban Plaintiff, publicly labeled Plaintiff a "threat," and was the primary proponent of the Resolution. He is sued individually in his personal and official capacities. His business address is: 346 Claremont Avenue, Jersey City, New Jersey 07305.

**16. Defendant Afaf Muhammad** is a natural person residing in Jersey City, New Jersey. Muhammad served as an at-large Trustee at all relevant times and voted in favor of the Resolution at the February 19, 2026 meeting. She is sued individually in her personal and official capacities. Her business address is: 346 Claremont Avenue, Jersey City, New Jersey 07305.

**17. Defendant Natalia Ioffe** is a natural person residing in Jersey City, New Jersey. Ioffe served as an at-large Trustee at all relevant times and voted in favor of the Resolution. At the February 19, 2026 meeting, she made public statements asserting that Plaintiff had made false promises to students. She is sued individually in her personal and official capacities. Her business address is: 346 Claremont Avenue, Jersey City, New Jersey 07305.

**18. Defendant George Blount** is a natural person residing in Jersey City, New Jersey. Blount served as an at-large Trustee at all relevant times and voted in favor of the Resolution at the February 19, 2026 meeting. He was elected along with Morris and Patel on the union-backed "Education Matters" slate. Blount is sued individually in his personal and official capacities. His business address is: 346 Claremont Avenue, Jersey City, New Jersey 07305.

**19. Defendant Alpa B. Patel** is a natural person residing in the Jersey City Heights neighborhood of Jersey City, New Jersey. Patel is an at-large member of the Jersey City

Board of Education, having assumed office on January 5, 2024 following her election on November 7, 2023, with her current term ending in 2027. Patel holds a Bachelor of Science in Pharmaceutical Sciences and a Master of Business Administration, and is a former federal government employee of the Food and Drug Administration and the Environmental Protection Agency. Patel ran on the same "Education Matters" slate as Defendants Morris and Blount in the November 2023 election — the political alliance through which the current Board majority was formed and through which the Resolution banning Plaintiff was advanced. At the February 19, 2026 meeting, Patel voted in favor of the Resolution banning Plaintiff from all district property. She is sued individually in her personal and official capacities. Her business address is: 346 Claremont Avenue, Jersey City, New Jersey 07305.

20. **Defendant Dr. Norma Fernandez** is a natural person residing in Jersey City, New Jersey. At all times relevant to this Complaint, Fernandez served as Superintendent of Schools of the Jersey City Public Schools district, appointed to that position in July 2022. As Superintendent, Fernandez is the chief executive officer of the district and its senior administrative official, with day-to-day authority over district operations, facilities access, and enforcement of Board policy. At the February 19, 2026 Board meeting, immediately preceding the motion to ban Plaintiff, Fernandez stated publicly that "political figures and political candidates have profiled our students and encouraged their passion at the expense of their academic success and safety" and claimed the walkout plans "originated outside our student body" — statements understood by all present as directed at Plaintiff. Fernandez did not recommend any specific action against Plaintiff in her formal report, but her statements provided the predicate narrative on which Individual

Trustees immediately acted. Following adoption of the Resolution, Fernandez became the sole person with authority to grant Plaintiff permission to enter any district property. Plaintiff contacted Fernandez on two separate occasions to request permission to attend school-related community events. Fernandez denied both requests. Under the terms of the Resolution as enforced by Fernandez, Plaintiff cannot enter his designated polling place to vote in person at the June 2, 2026 Democratic primary or any subsequent election without first obtaining Fernandez's explicit, discretionary approval. She is sued individually in her personal and official capacities. Her business address is: 346 Claremont Avenue, Jersey City, New Jersey 07305.

**21. Defendants John/Jane Does 1–10** are persons whose names and identities are presently unknown who may have participated in, directed, authorized, or ratified the unconstitutional conduct alleged herein. Plaintiff will amend this Complaint to identify these individuals once their identities are ascertained through discovery.

### **JURISDICTION AND VENUE**

22. This Court has original subject matter jurisdiction over Plaintiff's federal claims pursuant to 28 U.S.C. §§ 1331 and 1343, as this action arises under the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.

23. This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367, as those claims arise from a common nucleus of operative facts with Plaintiff's federal claims and form part of the same case or controversy under Article III.

24. Plaintiff's claims for declaratory and injunctive relief are sought under 28 U.S.C. §§ 2201-2202, 28 U.S.C. § 1343, Rules 57 and 65 of the Federal Rules of Civil Procedure, and by the general, legal, and equitable powers of this Court.

25. Plaintiff's claims for attorneys' fees and costs are predicated upon 42 U.S.C. §§ 1988, which authorize the award of attorneys' fees and costs to prevailing parties, pursuant to 42 U.S.C. § 1983.
26. This Court has personal jurisdiction over Defendants because they live and conduct business in the State of New Jersey.
27. Venue is proper in this District pursuant to 28 U.S.C. § 1391. All Defendants reside in this District, and a substantial part of the events giving rise to Plaintiff's claims occurred in Jersey City, Hudson County, New Jersey.

## **STATEMENT OF FACTS**

### **A. Background**

28. Mussab Ali was born in Lahore, Pakistan. He was three years old when his family immigrated to Jersey City, New Jersey. His father has served as a postal worker for the past twenty-four years. His mother taught in public schools for twenty-five years. After September 11, 2001, his mother was attacked for wearing her hijab. His father was laid off. They never stopped serving this community.
29. Ali attended McNair Academic High School in Jersey City. At twenty years old, while a student at Rutgers University, he ran for an at-large seat on the Jersey City Board of Education. He won by fewer than sixty votes — becoming the youngest elected official in Jersey City history and the youngest Muslim elected official in America. He was re-elected in 2018 with nearly 23,000 votes.
30. As a Board member and later as Board President, Ali eliminated student lunch debt, raised teacher salaries, secured full school funding for the first time in a decade,

remediated lead in school water fountains, and publicly condemned a teacher's racist remarks against Black students. He signed, as Board President, the very code of conduct that Defendants would later falsely accuse him of violating.

31. In March 2021, while serving as Board President, Ali was diagnosed with Stage IV Hodgkin's lymphoma. He continued working through treatment. In August 2021, he announced he was in complete remission. He went on to earn his Juris Doctor from Harvard Law School, founded the Ali Leadership Institute, and became one of New Jersey's foremost advocates for affordable housing and tenants' rights.

32. In January 2026, Ali declared his candidacy for the United States House of Representatives in New Jersey's 8th Congressional District, challenging incumbent Representative Robert Menendez, Jr. in the Democratic primary scheduled for June 2, 2026. His campaign, running under the slogan "Choose Courage," received a day-one endorsement from former United States Congressman Jamaal Bowman and has attracted national attention.

33. Ali is a registered voter in Jersey City. His designated polling place for all applicable elections — including the June 2, 2026 Democratic primary in which he is himself a candidate for federal office — is located inside a building owned and operated by the Jersey City Public Schools district.

#### **B. The February 13, 2026 Student-Led Walkout**

34. In early February 2026, students from Jersey City high schools — including JCBOE's James J. Ferris High School, Henry Snyder High School, and William L. Dickinson High School — began organizing a demonstration to protest United States Immigration and Customs Enforcement ("ICE") operations in Jersey City. ICE enforcement activity caused

fear and disruption throughout the community, directly affecting the families of many district students. The students organized among themselves, driven by their own experiences and consciences.

35. The two Ferris students who planned the walkout reached out to Ali as a trusted adult and community leader, someone who had led their school board, fought for their schools, publicly championed their First Amendment rights, and made a “big impact in Jersey City.” They asked for his presence at the protest and help with public-facing organizational tasks so they could remain anonymous and not “risk anything” like interference or reprisals from the school. They also specifically asked him to share to his audience the social media post and poster they created, and to find additional adult volunteers who could “also join in and watch over us as trusted adults.”
36. At their request, Ali contacted the City of Jersey City, the Jersey City Police Department, and other relevant authorities to ensure that the protest would be orderly and that the students would be protected. City Hall asked Ali to co-sign the event permit for the demonstration, which Ali did in his capacity as the students’ adult representative and advocate.
37. All other plans and preparations were carried out by the students and other supporters.
38. The demonstration was planned as a student-organized walkout from school, followed by a march to Jersey City City Hall. Ali's role was that of a responsible adult helping ensure that a lawful civic exercise occurred safely, not that of an organizer directing students to leave school in violation of district policy.
39. In the days before February 13, Ali reached out to Defendant Velazquez via text to alert the district that the students were planning a peaceful walkout. She initially signaled

support for the protest but followed up on February 11 to say the district and Board would “stand by the code of conduct.” Still, Velazquez promised to attend the event.

40. That same day, Defendant Velázquez also asked Ali if there was “any way the students can remain in class until dismissal.” Ali told her that the students themselves had determined the timing and that, in their judgment, a walkout during the school day would carry more civic weight and visibility than a demonstration after school.

41. The district took active steps to discourage students from participating. Students were threatened with suspension and consequences affecting their graduation and participation in other school events. On the day of the event, some schools locked the students in to prevent them from leaving. Ali immediately alerted Defendant Velazquez to the safety and fire hazard presented by barring any exit from the building. She did not respond.

42. Despite these threats, on February 13, 2026, students from four area high schools walked out. They met Ali and other supporters outside — on the public sidewalk, not on school property — and marched to Jersey City City Hall. Ali was never on school property at any point during or in connection with the protest.

43. At City Hall, the protestors met with support from the public and city officials, as well as a sound system, believed to be set up by the Mayor’s office or City Hall. Ali and four City Council members spoke. The students spoke. The demonstration was peaceful, lawful, and attended by media. There were no safety incidents. No one was harmed. The students exercised their First Amendment rights exactly as those rights were designed to be exercised.

44. The next day, Defendant Velazquez posted statements online indicating Ali had organized the event, convinced the students to participate, and told them to push guards, suggesting

that high school students could not have done it on their own. When Ali texted her to say that he was not an organizer of the event and that the post was factually incorrect and “condescending toward our young people,” Velazquez responded with a paragraphs long tirade. She expressed outrage that Ali would “question my leadership,” suggested Ali knew “NOTHING about actually caring for or believing in a cause,” and asserted that he “definitely [didn’t] give a damn whether or not our people are all deported,” because she had “been at the forefront of this fight for years,” (emphasis in original). She went on to say, “Considering the lucrative education you’ve acquired, you should use it to build a solid respectable legacy and maybe you will gain the respect from the community ... Furthermore, having had cancer is NOT a prerequisite for a political career ... But when you exploit it ... it hurts those of [sic] who are enduring it ... Please stop!” (emphasis in original). Ali did not respond.

### **C. February 19, 2026 Board Meeting**

45. On February 19, 2026, the Jersey City Board of Education convened its regular public meeting at 346 Claremont Avenue, Jersey City, New Jersey. The publicly noticed agenda for that meeting did not include any resolution concerning Mussab Ali or the previous week’s protests. Board members themselves had not been provided the text of any such resolution in advance.
46. No formal investigation into Ali's alleged conduct had been conducted. Ali had not been contacted. Ali had not been given notice that any action against him was contemplated. Ali was not present and was not afforded any opportunity to be heard.
47. During the meeting, Superintendent Fernandez addressed the walkout. She acknowledged the students’ First Amendment rights but said the district’s “primary responsibility is to

ensure the safety [and] security” of students who face a “significant security risk” when they leave school without authorization. Though she did not name Ali, she made pointed remarks clearly identifying him as one of the “political figures and political candidates [who] have profiled our students and encouraged their passion at the expense of their academic success and safety.” She went on to allege the walkout plans “originated outside our student body.”

48. Defendant Fernandez did not elaborate on why a walkout and protest presents a “significant security risk” at 1:30 p.m. but not at 3:30 p.m.

49. Immediately after Fernandez's report, Defendant Morris made a motion to "strengthen the code of conduct and also additionally to ban Mussab Ali from all of our schools in Jersey City until further notice," clarifying that the Board's “responsibility ... to instill discipline and respect” was more important than the students’ First Amendment rights. Morris described Ali as a “threat” who used “intimidation and manipulation” on students. During debate, Morris said there was “evidence” from City Hall and social media that “his group put together to try to get our students to come out.... Ali was in direct violation of the code of conduct and rules of regulation for the board of education.”

50. Morris did not explain how Ali, neither a student nor employee of the district, would be subject to or bound by any district code of conduct. Plaintiff has also found no evidence of any “rules of regulation for the board of education” to which he might owe any obligation.

51. When a female trustee expressed concerns about the Resolution, Morris responded, “I take offense ... You’re confused.” Though she called the comments out as “disrespectful,” Morris did not apologize.

52. Defendant Velázquez then read the Resolution aloud for the first time, the first time Board members or the public had heard its text. The Resolution stated that Ali "invited and encouraged students to attend a political rally off campus during the February 13th, 2026 school day and miss class without permission in direct violation of the student code of conduct," that his actions "jeopardized the safety and well-being of district students," and that he was "in direct violation of the code of conduct and rules of regulation for the board of education." The Resolution barred him from all district facilities unless approved in advance by the Superintendent, with the sole exception of attendance at public Board meetings as a member of the public.

53. Velazquez alleged that she had "multiple conversations with Ali trying to discourage him to no avail," and that she "personally communicated" the district's preference that the protest happen after dismissal, but "He didn't think it would have the same impact as the walkout." She failed to mention that Ali told her it was the students who prioritized the impact of a walkout. Text messages sent by Velazquez two days before the event reveal that she committed to attend the event to support the students and the cause, after which she asked Ali once, "Is there any way the students can remain in class until dismissal and then march to the city hall?" She sent no further messages.

54. Defendant Ioffe during debate suggested, "Several of us were acquainted with social media posts that false promises were given by Mr. Ali to the students that there would be no consequences.... Clearly, consequences were written." She provided no proof of these social media posts or who acquainted her with them.

55. Defendant Muhammad before voting in favor of the Resolution noted "the event could have taken place when school was not in session ... after school or on the weekend." He

offered no suggestion or evidence that Ali had anything to do with the timing of the event or any acknowledgement or explanation of the Resolution's own contention that Ali was banned because the walkout created a security risk during the school day but not after.

56. Neither Defendant Blount nor Patel offered any comments or contributions on the record during debate, silently voting in favor of the Resolution in lock step with their fellow 2023 "Education Matters" slate candidate, Morris. Their yes votes, however, publicly ratified and sanctioned the statements made by other Defendants, along with the Resolution.

57. Three Trustees publicly dissented. Trustee Matthew Schneider declined to vote at all, stating he did not believe there was sufficient evidence that anyone outside the student body had organized or influenced the walkout. Trustee Tia Rezabala voted no, stating she did not want to diminish the work students put into organizing the demonstration. Trustee Lorenzo Richardson called for a formal investigation before any vote was taken.

58. The Board voted nonetheless. The Resolution passed 6-3. The six votes in favor were cast by Defendants Velázquez, Morris, Muhammad, Ioffe, Blount, and Patel. The audience erupted in boos.

59. Following the vote, Defendant Morris announced from the floor that Ali would be sent a cease and desist letter from the Board's attorney. The attorney sent the Resolution and cover letter in an email nearly one month later with a note to "please acknowledge." No official service of a cease and desist or the Resolution has ever been affected.

#### **D. Ali Is Blocked at the Door**

60. Ali learned of the ban not from any official notice, but from a reporter who called him moments after the vote. Ali drove to the Board meeting to exercise what he would later

learn was his reserved right under the Resolution itself to speak during public comment. He arrived approximately thirty minutes after the vote.

61. Security personnel stopped Ali at the door and would not let him participate in public comment or speak to Board members during their break. Ali spoke to the Board's attorney who confirmed that the terms of the Resolution allowed Ali to attend public Board meetings. Still, security personnel prevented Ali from meaningfully participating.
62. The Board's attorney subsequently communicated to Ali that he may attend Board meetings as a member of the public, but that all other access to any district property is barred without prior approval from the Superintendent. The attorney represented that the Board would provide information regarding an appeal process the following day. No such information was ever provided.
63. The Resolution provides no exception for Ali to attend community meetings, City Council member townhalls, hearings on matters of local concern, all of which are regularly and often held at Jersey City school sites. In addition to the reputational damage Defendants inflicted with their public comments and Resolution, they have denied him meaningful participation in local government as a citizen. But as a congressional candidate, they have done incalculable damage to his campaign, due both to the stigma of being publicly sanctioned by a government agency and the inability to engage with other leaders and voters at public meetings and events held on campus.
64. Ali contacted Superintendent Fernandez twice since that time to request permission to attend school events in his community. Both requests were denied out of hand. Fernandez also unilaterally backed out of supporting Hackathon, a student leadership event Ali had coordinated with other schools and local universities planned for April. After she blamed

vague fiscal concerns for the reversal, she stopped responding altogether, even to Ali's request for announcements to the student body. The event was ultimately canceled as a result.

65. The Resolution has never been properly served on Ali in any formal legal sense. The Board's attorney sent Ali a copy by email and asked him to "please acknowledge" receipt. No certified mail. No process server. No formal notice of rights. No information, delivered formally or informally, regarding any appeals process.

66. As of the filing of this Complaint, the Resolution has not been published on the Board's public website or made available to the public through any other accessible means, in violation of the Board's obligations under the New Jersey Open Public Meetings Act.

67. Four elected City Council members walked with the students on February 13 and spoke at the rally at City Hall. And other elected public officials, including a sitting Member of the United States Congress, participated in a student walkout from other Hudson County high schools during this same period. None of those officials were contacted, targeted, investigated, sanctioned, or banned from school property by the Board.

#### **E. Selective Enforcement and Escalating Retaliation**

68. The weekend following the Board meeting, March 1, 2026, students organized a follow-up "ICE OUT Jersey City" rally at Grove Street PATH Station that marched again to City Hall. Defendants Velázquez and Morris attended the rally, in addition to three other Board Trustees. None of them were banned. None were sanctioned.

69. At that rally, Hudson County Commissioner Bill O'Dea spoke out against the ban on Ali, declaring he would wear any similar ban "as a badge of honor," and daring the Board to

impose one on him. Defendant Morris shouted back a threat that the Board would have banned him if he had participated in the walkout.

70. Morris did not explain why the Board banned only Ali — and would have banned O’Dea — but did not ban the four elected City Council members who participated in the walkout. Morris also failed to explain how his attendance at the student-organized weekend march and rally did not implicate student safety but Ali and his supporters’ involvement in the previous march and rally did, to the extent that they would have to be banned from school property.

71. Climate Revolution NJ Executive Director Ben Dziobek later called out Velázquez and Morris by name, encouraged the crowd to vote them out in the next election cycle due to their “obstruction ... of students’ freedom of speech” through punitive measures like banning them from prom, and referenced the ban on Ali as an injustice. As the activist finished speaking, Defendant Velazquez climbed the stairs to the stage and placed her finger in his chest in a threatening manner. This confrontation occurred in full view of students, youth organizers, and members of the public attending the rally. Velazquez told Dziobek, a Cuban-American, “ICE will come for me before they come for you,” an apparent reference to Dziobek’s skin color. Dziobek returned to the microphone to denounce Velázquez’s “reprehensible” comment as a racial remark made in front of youth organizers. “Coming up here and yelling ... with high school students standing right there ... You’re supposed to be the role models for our students. That wasn’t a role model. That is someone who is angry and is maybe clinging to some form of power,” Dziobek said

72. Velazquez later doubled down on her comments to Dziobek and blamed Ali for her poor public reaction: “Other people that were back there told me it was Ali that sent him to do

that.” In a phone interview following the March 1 rally, Defendant Velázquez confirmed to a reporter that Ali had been sent notice of the ban, stating only that 'the attorney was supposed to send him the letter, that's as far as I know.' Asked about the Resolution itself, Velázquez stated: 'We agreed, we voted, and we moved on.' She confirmed that the Resolution was read aloud at the meeting before the vote and described it as 'forwarded' to Ali. When asked about future student demonstrations, Velázquez stated: 'We do not know what the students are going to do next. But if there's another walkout, I can't walk out with them.' In a single interview, the Board's own President confirmed that proper notice of the ban to Ali was uncertain, that the Board majority had pre-agreed on the outcome before the vote, that no process occurred beyond reading and voting, and that the same conduct for which Ali was banned was conduct she herself would engage in if she were able — revealing that the ban was never about the conduct at all.

73. The conduct of Velázquez and Morris at the March 1 rally — including their willingness to attend the very type of demonstration they used as a pretext to ban Ali, while verbally and physically threatening critics of that ban — confirms that the Resolution was not motivated by genuine concern for student safety or district policy. It was political retaliation against a congressional candidate.

74. Defendant Velazquez threatened Ali via text later that evening, her anger ostensibly based on rumors. “Wow knowing peeps sure comes handy. Just found out with someone that was up there that you did tell him to do that.... Mussab, you really do not want to go there with me. You will not win.”

75. Ali's June 2, 2026 primary is rapidly approaching. His polling place is inside a Jersey City public school. Under the terms of the Resolution, he cannot enter it without first

calling Superintendent Fernandez and receiving her explicit, discretionary permission. He faces the prospect of being unable to cast an in-person ballot in the election in which he is himself a candidate for the United States Congress.

#### **F. Harm to Plaintiff**

76. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered and continues to suffer the following injuries, the full extent of which are not yet completely ascertainable given the ongoing and continuing nature of the harm:

77. **Deprivation of First Amendment Rights.** Plaintiff has been deprived of his right to speak and assemble freely on matters of public concern without fear of official government retaliation. The Resolution operates as a formal government decree — enforced by security personnel, backed by the threat of criminal trespass prosecution, and communicated through public announcement and media — that political activity of the kind Plaintiff engaged in on February 13, 2026 will be met with official sanction. Plaintiff's First Amendment rights are actively and continuously chilled.

78. **Deprivation of Access to Public Property.** Plaintiff has been denied access to public school buildings and district property he has a lawful right to access as a community member, registered voter, and former Board President. Community meetings, City Council member town halls, hearings on matters of local concern, and civic events regularly held on district property are now closed to him without the prior discretionary approval of the Superintendent — approval that has been denied on every occasion he has sought it.

79. **Harm to Congressional Campaign.** Plaintiff is a declared candidate for the United States House of Representatives in New Jersey's 8th Congressional District in the June 2,

2026 Democratic primary. The Resolution and the false and stigmatizing statements made by Defendants in connection with it have caused substantial and continuing harm to his congressional campaign, including: impairment of his ability to engage with voters, community leaders, and elected officials at public events held on school property; lost media coverage and donor concern caused by the Board's official condemnation of his conduct; diversion of campaign resources to address the controversy created by Defendants' false accusations; and negative press coverage directly attributable to the Board's public branding of a congressional candidate as a threat to children.

80. **Cancellation of Student Leadership Event.** Prior to the walkout, Plaintiff had been coordinating a student leadership event — a Hackathon — with other schools and local universities, planned for April 2026. Following adoption of the Resolution, Superintendent Fernandez unilaterally withdrew district support for the event, citing vague fiscal concerns. When Plaintiff requested only that the district disseminate announcements about the event to students, Fernandez ceased responding entirely. The event was ultimately canceled as a direct result of Defendants' conduct, depriving students of a planned educational opportunity and depriving Plaintiff of a meaningful avenue of community engagement he had invested significant time and resources in developing.

81. **Disenfranchisement.** Plaintiff's designated polling place for the June 2, 2026 Democratic primary — the election in which he is himself a candidate for the United States Congress — is located inside a building owned and operated by the Jersey City Public Schools district. Under the terms of the Resolution as enforced by Superintendent Fernandez, Plaintiff cannot enter that building to cast an in-person ballot without first obtaining

Fernandez's explicit, discretionary approval. Fernandez has denied every prior request Plaintiff has made to access district property, including attending an after-school sporting event at his high school alma mater, and participating in Read Across America at his elementary alma mater which he has done for the better part of the past decade. Plaintiff faces the imminent, concrete prospect of being unable to vote in person in his own election.

**82. Reputational Harm and Defamation Per Se.** Plaintiff has suffered severe and ongoing damage to his personal and professional reputation. The Resolution, adopted in an official proceeding and reported by the press, brands him a threat to children, accuses him of jeopardizing student safety, holds him to a code of conduct to which he is not subject, and falsely attributes to him conduct he did not engage in. Defendant Morris publicly called him a "threat" who used "intimidation and manipulation" on students. Defendant Ioffe publicly accused him of making false promises to students. Defendant Fernandez publicly implied, without naming him, that he "profiled" students and exploited their passion at the expense of their safety. Defendant Velázquez publicly falsely claimed she had "multiple conversations" trying to dissuade him, omitting that it was the students — not Ali — who determined the timing and nature of their demonstration. These statements were made before a public audience, on camera, and were widely reported in the press. They constitute defamation per se under New Jersey law, imputing to Plaintiff conduct incompatible with his professional standing and public trust.

**83. Ongoing Threats and Harassment by Government Officials.** On the evening of March 1, 2026, following the ICE OUT Jersey City rally where she accused Ali of orchestrating her own confrontation with a speaker on stage, Defendant Velázquez sent Plaintiff a

threatening text message stating: "Wow knowing peeps sure comes handy. Just found out with someone that was up there that you did tell him to do that.... Mussab, you really do not want to go there with me. You will not win." This message — sent by the sitting President of a government body to a private citizen and congressional candidate it had formally sanctioned — constitutes an ongoing pattern of harassment, intimidation, and abuse of official power directed at Plaintiff, and reflects the personal and political animus driving the Board's conduct.

84. **Public Humiliation.** On the evening of February 19, 2026, Plaintiff was physically stopped by security personnel from engaging in a public meeting to exercise his expressly reserved right to attend — a right the Resolution itself acknowledges. He was required to speak to the board's attorney while the Board that had just condemned him continued its proceedings. This public exclusion, enforced by uniformed security in the presence of other attendees and press, caused Plaintiff significant humiliation, embarrassment, and distress.

85. **Emotional Distress and Mental Anguish.** Plaintiff has suffered and continues to suffer significant emotional distress, mental anguish, humiliation, embarrassment, anxiety, and loss of enjoyment of life arising from Defendants' public condemnation, the ongoing enforcement of the Resolution, the threatening text message sent by Defendant Velázquez, and the daily impact of the ban on his personal, civic, and professional life.

86. **Chilling of Civic Participation.** Beyond the direct harm to Plaintiff, the Resolution and Defendants' conduct have caused a broader chilling of civic participation. Community members, activists, and elected officials who might otherwise engage in political activity alongside Plaintiff — or who might invite Plaintiff to participate in civic events held on

school property — now do so under the shadow of an official government sanction. The Resolution has converted Plaintiff's association with others into a potential liability for them, chilling not only Plaintiff's own rights but the associational rights of those around him.

## **COUNT I**

### **VIOLATION OF THE FIRST AMENDMENT RETALIATION FOR PROTECTED SPEECH AND EXPRESSIVE CONDUCT**

**(42 U.S.C. § 1983)**

**(Against All Defendants)**

87. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.
88. At all relevant times, Defendants acted under color of state law within the meaning of 42 U.S.C. § 1983.
89. The First Amendment to the United States Constitution, as incorporated against the states by the Fourteenth Amendment, prohibits the government from retaliating against a person for engaging in constitutionally protected speech or expressive conduct.
90. On February 13, 2026, Plaintiff attended and participated in a lawful, peaceful political demonstration at Jersey City City Hall concerning United States Immigration and Customs Enforcement activity and its impact on Jersey City families. He was not on school property at any time. He spoke at the demonstration as a private citizen and community leader. He helped students coordinate logistics at their request, as any responsible adult would do for young people exercising their constitutional rights. Four

City Council members did the same. A sitting Member of Congress did the same at another school's walkout. None of them were banned.

91. Plaintiff's participation in the February 13, 2026 demonstration constitutes core protected political speech and expressive conduct under the First Amendment — among the most constitutionally cherished activities an American can engage in. *See Snyder v. Phelps*, 562 U.S. 443 (2011); *Connick v. Myers*, 461 U.S. 138 (1983). The government may not punish a citizen for standing with students exercising their constitutional rights on a matter of profound public concern.
92. In direct response to that protected activity, Defendants adopted the Resolution banning Plaintiff from all district property. The Resolution was introduced, debated, and passed in a single unnoticed motion at a public meeting, without investigation, without notice to Plaintiff or the public, and without any hearing or appeals process. Its stated factual basis — that Plaintiff organized the walkout and violated a code of conduct that does not apply to him — is false.
93. The Resolution constitutes an adverse government action that would deter a person of ordinary firmness from exercising First Amendment rights. It is a formal government ban — announced at a public meeting, reported by the press, transmitted by the Board's attorney, enforced by security personnel, and backed by the threat of criminal trespass prosecution — accompanied by official accusations that Plaintiff endangered children. *See Suppan v. Dadonna*, 203 F.3d 228 (3d Cir. 2000).
94. Plaintiff's constitutionally protected conduct was a substantial or motivating factor in Defendants' decision to adopt the Resolution. *See Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274 (1977). The causal connection is confirmed by: the

temporal proximity between the February 13 demonstration and the February 19 Resolution; the Resolution's own text citing Plaintiff's participation in the demonstration as its sole factual basis; the absence of any investigation; the absence of agenda notice; the disparate treatment of four City Council members and a sitting Member of Congress who engaged in identical conduct; and the coordinated, pre-agreed nature of the vote confirmed by Velázquez's own admission that "we agreed, we voted, and we moved on."

95. The retaliatory nature of Defendants' conduct is further confirmed by their subsequent behavior: Defendants Velázquez and Morris personally attended the March 1, 2026 ICE OUT Jersey City rally — the very type of demonstration they cited as grounds for banning Plaintiff — incurring no sanction. When a community member criticized the Board's treatment of Plaintiff from the stage, Morris shouted a threat from the audience. Velázquez physically approached and confronted the critic on stage. Later that evening, Velázquez sent Plaintiff a threatening personal text message warning him that he "really do[es] not want to go there with me." The target was Plaintiff's speech and political activity, not any legitimate government interest.

96. The Jersey City Board of Education is directly liable under *Monell v. Department of Social Services*, 436 U.S. 658 (1978), because the Resolution was adopted by a majority vote of the Board's own legislative body — the final policymaking authority for the district under N.J.S.A. 18A:10-1 — and constitutes an express official policy of the Board. The constitutional violations alleged herein were not the acts of a rogue employee; they were the deliberate legislative acts of the Board itself, directly attributable to the entity without resort to respondeat superior.

97. As a direct and proximate result of Defendants' unconstitutional retaliation, Plaintiff has suffered the injuries described in paragraphs 107 through 117.

**WHEREFORE**, Plaintiff demands judgment against Defendants, jointly and severally, for compensatory damages, punitive damages against individual Defendants in their personal capacities, reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988, declaratory relief that the Resolution is unconstitutional, injunctive relief voiding and permanently enjoining the Resolution, and such other relief as this Court deems just and proper.

## **COUNT II**

### **VIOLATION OF THE FIRST AMENDMENT FREEDOM OF ASSEMBLY AND FREEDOM OF ASSOCIATION**

**(42 U.S.C. § 1983)**

**(Against All Defendants)**

98. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

99. The First Amendment protects the right of the people to assemble peaceably and to associate with others for the purpose of engaging in activities protected by the First Amendment, including political expression and advocacy on matters of public concern. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Roberts v. United States Jaycees*, 468 U.S. 609 (1984); *De Jonge v. Oregon*, 299 U.S. 353 (1937). The right of peaceable assembly is not derivative — it is a freestanding constitutional guarantee, cognate to the rights of free speech and free press and equally fundamental.

100. Government action that directly burdens the right to assemble peaceably on matters of public concern is subject to First Amendment scrutiny independent of any showing of

retaliatory motive. The Resolution, on its face, penalizes Plaintiff for attending a peaceful, permitted, lawful political assembly at a public location on a matter of profound public concern. A government resolution that punishes a citizen for attending such an assembly violates the First Amendment on its face, without resort to motive.

101. On February 13, 2026, Plaintiff exercised his First Amendment right of assembly by attending and participating in a peaceful political demonstration at Jersey City City Hall, accompanied by students, community members, volunteer marshals from Spirit of Liberation, and four elected City Council members. The demonstration was lawful, permitted, peaceful, and caused no safety incident of any kind.

102. The Resolution's stated factual predicate — that Plaintiff participated in and facilitated a public demonstration — is, on its face, a description of constitutionally protected assembly. It is the assembly itself that Defendants punished. There is no other conduct alleged. Plaintiff is not accused of violence, disruption, trespass, or any unlawful act. He attended a rally. That is what the Resolution punishes.

103. The Resolution burdens Plaintiff's right of assembly in multiple and continuing ways. It operates as a formal government declaration that his attendance at a peaceful political assembly was wrongful and dangerous. It carries an ongoing chilling effect: Plaintiff now faces the threat of criminal trespass prosecution any time he approaches school property in connection with civic or political activity. It conditions his future attendance at any school-adjacent assembly or civic event on the prior discretionary approval of a school administrator who has denied every prior request.

104. Defendants' conduct is not narrowly tailored to any legitimate government interest. The stated interest — student safety — was unsupported by any investigation, any

evidence of a safety threat, any finding that Plaintiff's attendance at an off-campus rally caused harm to any student, or any finding that a walkout at 1:30 p.m. presents a safety risk that a walkout at 3:30 p.m. does not — a distinction Defendants never explained and cannot explain.

105. The right of assembly protects not only participation in a single demonstration but the broader right of citizens to associate with others around shared political and civic concerns without fear of official government sanction. By officially branding Plaintiff's assembly as harmful and imposing an indefinite government ban, Defendants have chilled not only Plaintiff's future assemblies but the associational rights of students, community members, and elected officials who now understand that association with Plaintiff carries official government disapproval.

106. The Board is directly liable under *Monell* for the same reasons stated in Count I.

107. As a direct and proximate result of Defendants' violation of Plaintiff's First Amendment rights of assembly and association, Plaintiff has suffered the injuries described in paragraphs 107 through 117.

**WHEREFORE**, Plaintiff demands judgment against Defendants, jointly and severally, for compensatory damages, punitive damages against individual Defendants in their personal capacities, a declaration that the Resolution is unconstitutional as a direct burden on Plaintiff's First Amendment right of assembly, injunctive relief voiding and permanently enjoining the Resolution, reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988, and such other relief as this Court deems just and proper.

**COUNT III**

**VIOLATION OF THE FOURTEENTH AMENDMENT  
PROCEDURAL DUE PROCESS (STIGMA-PLUS)**

**(42 U.S.C. § 1983)**

**(Against All Defendants)**

108. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.
109. The Due Process Clause of the Fourteenth Amendment prohibits state actors from depriving any person of a liberty interest without due process of law.
110. A cognizable liberty interest is implicated under the stigma-plus doctrine where the government makes false and stigmatizing statements about an individual in conjunction with a tangible deprivation of a legally recognized right or status. *See Paul v. Davis*, 424 U.S. 693 (1976); *Hill v. Borough of Kutztown*, 455 F.3d 225 (3d Cir. 2006); *Robb v. City of Philadelphia*, 733 F.2d 286 (3d Cir. 1984).
111. Defendants inflicted exactly this harm. The Resolution — adopted in an official proceeding, read aloud before cameras and a public audience, transmitted by the Board's attorney, and reported in the press — brands Plaintiff a threat to children, accuses him of jeopardizing student safety, holds him to a code of conduct that does not apply to him, and falsely accuses him of using "intimidation and manipulation" on students. Defendant Morris called him a "threat" from the Board floor. Defendant Ioffe accused him of making "false promises" to students. Defendant Fernandez implied, before the same audience, that he "profiled" students and exploited their passion. Defendant Velázquez publicly claimed she had "multiple conversations" attempting to dissuade him —

omitting that it was the students who chose the timing — and later falsely accused him in a text message of orchestrating criticism of the Board at a public rally. These are not vague criticisms or expressions of disagreement. They are specific, false, official government accusations of conduct harmful to children, made against a former Board President and congressional candidate in his own community.

112. These stigmatizing statements were accompanied by the tangible plus of a formal government property ban — depriving Plaintiff of access to all district facilities indefinitely and conditioning that access on the discretionary approval of a school administrator who has denied every prior request. The stigma-plus standard is satisfied. *See Robb v. City of Philadelphia*, 733 F.2d 286 (3d Cir. 1984).

113. Plaintiff received no process whatsoever before the deprivation. No notice that the Resolution would be considered. No investigation. No hearing. No opportunity to respond. No contact of any kind. Three Board members said so publicly during the meeting and voted no on that basis. Defendant Richardson called for an investigation. Defendant Schneider refused to vote, citing insufficient evidence. Defendant Rezabala voted no, unwilling to attribute to an outside adult what the students had built. Yet the ban was imposed regardless.

114. Post-deprivation remedies are wholly inadequate. The Board's attorney promised information about an appeal process the day after the vote. That information was never provided — not the next day, not after three follow-up emails and texts, not ever. The Resolution remains unappealed, unexplained, and unpublished. The stigma has been inflicted and disseminated. The ban remains in force. There is no administrative path to relief.

115. Defendant Velázquez's statement that "we agreed, we voted, and we moved on" confirms that no post-deprivation process was contemplated or intended. The Board majority considered the matter closed from the moment the vote was taken.

116. As a direct and proximate result of Defendants' unconstitutional conduct, Plaintiff has suffered injury to his liberty interest in his reputation and good name, deprivation of access to public property, and the ongoing harms described in paragraphs 76 through 86.

**WHEREFORE**, Plaintiff demands judgment against Defendants, jointly and severally, for compensatory damages, punitive damages against individual Defendants in their personal capacities, reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988, injunctive and declaratory relief voiding the Resolution and directing the removal of its stigmatizing findings from all official records and public communications, and such other relief as this Court deems just and proper.

#### **COUNT IV**

#### **VIOLATION OF THE FOURTEENTH AMENDMENT DEPRIVATION OF THE RIGHT TO VOTE**

**(42 U.S.C. § 1983)**

**(Against All Defendants)**

117. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

118. The right to vote is a fundamental right protected by the United States Constitution. *See Harper v. Virginia State Bd. of Elections*, 383 U.S. 663 (1966); *Bush v. Gore*, 531 U.S. 98 (2000). Government action that substantially burdens the right to vote is subject

to heightened scrutiny under the *Anderson-Burdick* framework. See *Anderson v. Celebrezze*, 460 U.S. 780 (1983); *Burdick v. Takushi*, 504 U.S. 428 (1992).

119. Plaintiff's designated polling place for the June 2, 2026 Democratic primary — and all subsequent applicable elections — is located inside a building owned and operated by the Jersey City Public Schools district.

120. The Resolution categorically prohibits Plaintiff from entering any district property without prior discretionary approval from Superintendent Fernandez. That approval is entirely within Fernandez's discretion. There is no standard governing its grant or denial. There is no timeline within which it must be provided. There is no appeal if it is denied. Fernandez has denied every prior request Plaintiff has made to enter district property.

121. The practical and legal consequence is direct and immediate: Plaintiff cannot vote in person on June 2, 2026 — in an election in which he is himself a candidate for the United States Congress — without first calling a school administrator and asking her permission to enter a polling place. This is not a theoretical burden. It is a concrete, present deprivation of a fundamental constitutional right, rendered extraordinary by the fact that the person being effectively disenfranchised is on the ballot in that very election.

122. The government interest asserted by Defendants — student safety arising from a former board member's attendance at a peaceful off-campus rally — does not survive scrutiny at any level. It was adopted without investigation, without evidence, without any process, without any finding that Plaintiff posed a safety threat, and on the basis of false factual allegations that three Board members publicly refused to credit. It is not narrowly tailored to any legitimate interest and extends indefinitely without any defined standard for termination or review.

123. The availability of mail-in or absentee voting does not cure this constitutional violation. The right to vote in person is constitutionally protected. A government that forces a citizen to use an alternative voting mechanism as a direct consequence of its own unconstitutional retaliation has not protected that right — it has merely managed its own violation. The burden on Plaintiff's right to vote is caused by Defendants' unconstitutional conduct, not by any neutral election administration decision.

124. Even if the Resolution is analyzed as a generally applicable access restriction rather than an election regulation — and thus outside the *Anderson-Burdick* framework — it independently violates the Equal Protection Clause because it vests a single executive official with wholly standardless, unreviewable discretion over whether one identified citizen may enter his polling place to vote, without criteria governing the grant or denial of permission, without any timeline for decision, and without any avenue of appeal. The Equal Protection Clause requires at minimum that government action affecting the fundamental right to vote satisfy "the minimum requirement for nonarbitrary treatment of voters," and the "problem inheres in the absence of specific standards" governing the exercise of official discretion over access to that right. *Bush v. Gore*, 531 U.S. 98, 105–06 (2000).

125. This deprivation was accomplished under color of state law by members of a duly constituted governmental body. Plaintiff faces irreparable, imminent harm. The June 2, 2026 primary is days away. Emergency relief is required.

**WHEREFORE**, Plaintiff demands judgment against Defendants, jointly and severally, for compensatory damages, punitive damages against individual Defendants in their personal capacities, a declaration that the Resolution is unconstitutional as applied to Plaintiff's access to

his designated polling place, emergency preliminary injunctive relief ensuring Plaintiff's unconditional in-person access to his polling place for the June 2, 2026 Democratic primary and all subsequent elections, a permanent injunction to the same effect, reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988, and such other relief as this Court deems just and proper.

## **COUNT V**

### **VIOLATION OF THE NEW JERSEY CONSTITUTION FREE SPEECH, FREE ASSEMBLY, AND THE RIGHT TO VOTE**

**(N.J. Const. Art. I, ¶¶ 6, 18; Art. II, ¶ 3)**

**(Declaratory and Injunctive Relief Only)**

**(Against All Defendants)**

126. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.
127. This Count is brought directly under the New Jersey Constitution and seeks only declaratory and injunctive relief. Damages for the constitutional violations described herein are sought through the New Jersey Civil Rights Act in Count VI. This Count is pleaded separately to preserve independent constitutional footing that survives any technical obstacle to the statutory count and to ground equitable relief directly in the New Jersey Constitution, independently of any statutory vehicle.
128. Article I, Paragraph 6 of the New Jersey Constitution guarantees every person the right to freely speak and publish their sentiments on all subjects — a protection construed by New Jersey courts to be at least as broad as, and in some respects broader than, the First Amendment. *See N.J. Coalition Against War in the Middle East v. J.M.B. Realty Corp.*, 138 N.J. 326 (1994).

129. Article I, Paragraph 18 guarantees the right to assemble peaceably and to petition for redress of grievances.

130. Article II, Paragraph 3 guarantees every qualified citizen the right to vote in all elections — a fundamental constitutional right subject to strict scrutiny under New Jersey law.

131. By adopting the Resolution in direct response to Plaintiff's participation in a lawful political demonstration, and by imposing a property ban that conditions his polling place access on the discretionary approval of a school administrator, Defendants violated each of these provisions.

132. The violation of Article I, Paragraph 6 is ongoing — the Resolution remains in effect, and its chilling effect on Plaintiff's political speech is a daily, continuing harm.

133. The violation of Article I, Paragraph 18 is ongoing — Plaintiff cannot attend public assemblies, community meetings, or civic events on school property without prior permission from a school official who has denied every prior request.

134. The violation of Article II, Paragraph 3 is imminent and irreparable — the June 2, 2026 primary is days away, and Plaintiff faces the concrete prospect of being unable to cast an in-person ballot in his own election.

135. Plaintiff has no adequate remedy at law for these ongoing constitutional violations. Injunctive and declaratory relief are necessary and appropriate.

**WHEREFORE**, Plaintiff demands a declaration that the Resolution violates Article I, Paragraphs 6 and 18 and Article II, Paragraph 3 of the New Jersey Constitution and is void and unenforceable; a preliminary injunction ensuring Plaintiff's unencumbered access to his polling place for the June 2, 2026 Democratic primary and all subsequent elections; a permanent

injunction enjoining enforcement of the Resolution; reasonable attorney's fees and costs; and such other relief as this Court deems just and proper.

**COUNT VI**

**VIOLATION OF THE NEW JERSEY CIVIL RIGHTS ACT  
(N.J.S.A. 10:6-1 et seq.)**

**(Damages, Injunctive Relief, Civil Penalties, and Attorney's Fees)**

**(Against All Defendants)**

136. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

137. The New Jersey Civil Rights Act, N.J.S.A. 10:6-2(c), expressly provides a private cause of action for damages and for injunctive or other appropriate relief to any person deprived of substantive rights secured by the Constitution or laws of New Jersey, or whose exercise of those rights has been interfered with by threats, intimidation, or coercion, by a person acting under color of law.

138. At all relevant times, Defendants acted under color of law as members and administrators of a public body organized under New Jersey law.

139. By adopting the Resolution, Defendants deprived Plaintiff of his rights under Article I, Paragraphs 6 and 18 and Article II, Paragraph 3 of the New Jersey Constitution — his rights of free speech, free assembly, and the right to vote in person at his designated polling place.

140. The Resolution additionally constitutes interference with Plaintiff's exercise of those rights through the coercive mechanism of a formal governmental ban — enforced by security personnel, backed by the threat of criminal trespass prosecution, and

communicated through official legal correspondence — accompanied by false and stigmatizing public accusations, issued without any procedural safeguards or any opportunity to be heard.

141. The threats, intimidation, and coercion element of N.J.S.A. 10:6-2(c) is independently satisfied by: (a) the implicit threat of criminal trespass prosecution embedded in the Resolution; (b) Morris's shout from the audience at the March 1 rally that the Board would have banned Commissioner O'Dea too; (c) Velázquez's physical approach of and confrontation with Dziobek at the March 1 rally; and (d) Velázquez's threatening text message to Plaintiff on the evening of March 1, 2026 — "Mussab, you really do not want to go there with me. You will not win" — sent by the sitting President of a government body to a private citizen and congressional candidate it had formally sanctioned.

142. NJCRA liability tracks § 1983 liability. *See Rezem Family Associates, LP v. Borough of Millstone*, 423 N.J. Super. 103 (App. Div. 2011). The conduct giving rise to liability under Counts I through IV independently gives rise to liability under this Count.

143. Plaintiff's claims under the NJCRA are not subject to the notice requirements, damage limitations, or immunities of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et seq.

144. Each constitutional deprivation constitutes a separate violation giving rise to a separate civil penalty under N.J.S.A. 10:6-2(e). Attorney's fees and costs are recoverable under N.J.S.A. 10:6-2(f).

145. As a direct and proximate result of Defendants' violations, Plaintiff has suffered the injuries described in subsection F, above.

**WHEREFORE**, Plaintiff demands judgment against Defendants, jointly and severally, for: compensatory damages; civil penalties pursuant to N.J.S.A. 10:6-2(e) for each violation; punitive

damages against individual Defendants in their personal capacities; injunctive relief voiding and enjoining the Resolution, independently authorized by N.J.S.A. 10:6-2(c); declaratory relief; reasonable attorney's fees and costs pursuant to N.J.S.A. 10:6-2(f); and such other relief as this Court deems just and proper.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Mussab Ali respectfully demands judgment in his favor and against Defendants as follows:

- A.** An emergency preliminary injunction, issued before June 2, 2026, ensuring Plaintiff's unconditional and unencumbered in-person access to his designated polling place for the June 2, 2026 Democratic primary election and all subsequent applicable elections, and enjoining Defendants from applying the Resolution to bar Plaintiff's access to any polling place located on district property;
- B.** A declaration that the Resolution adopted on February 19, 2026 violates the First Amendment, the Fourteenth Amendment, the New Jersey Constitution, and the New Jersey Open Public Meetings Act, and is therefore void, unenforceable, and of no legal effect;
- C.** A permanent injunction enjoining Defendants, their officers, agents, servants, employees, attorneys, and all those acting in concert with them, from enforcing the Resolution or any successor resolution against Plaintiff based on his participation in protected political expression or assembly;

**D.** An order directing Defendants to remove, retract, and expunge from all official records, publications, and publicly accessible communications the false and stigmatizing findings contained in the Resolution;

**E.** Compensatory damages in an amount to be determined by the jury at trial;

**F.** Punitive damages against individual Defendants in their personal capacities, in an amount sufficient to punish and deter the willful, reckless, and retaliatory conduct alleged herein;

**G.** Civil penalties against Defendants pursuant to N.J.S.A. 10:6-2(e), for each violation;

**H.** Presumed and actual defamation damages against individual Defendants;

**I.** Reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988 and N.J.S.A. 10:6-2(f);

**J.** Pre-judgment and post-judgment interest as permitted by law; and

**K.** Such other and further relief as this Court deems just and proper.

### **DEMAND FOR JURY TRIAL**

Pursuant to the Seventh Amendment to the United States Constitution and Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a trial by jury on all issues so triable.

DATED: May 20, 2026

Respectfully submitted,

/s/ Mahir S. Nisar

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*\*Licensed in OK, not in NY. Practice limited to federal matters.*


*\*Application pro hac vice forthcoming.*

**CERTIFICATION PURSUANT TO FED. R. CIV. P. 11 AND L. CIV. R. 11.2**

I certify that, to the best of my knowledge, information, and belief, formed after an inquiry reasonable under the circumstances: (1) the factual contentions alleged herein have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; (2) this pleading is not being presented for any improper purpose, including harassment or delay; and (3) to the best of my knowledge, the matter in controversy is not the subject of any other action pending in any court or of any pending arbitration or administrative proceeding.

**VERIFICATION**

I, Mussab Ali, swear under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information, and belief.

  
Mussab Ali (May 19, 2026 16:56:51 EDT)  
\_\_\_\_\_  
Mussab Ali, Plaintiff

19/05/26  
\_\_\_\_\_  
Date