

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

**Podjo Jammarr Rowe v. Nebraska Highway Patrol, Kyle Gaudreault,
and Eric Rosemann**

Rowe · No. 8:25-cv-00381 · Decided January 12, 2026

SUMMARY

The United States District Court for the District of Nebraska conducts an initial review under 28 U.S.C. § 1915(e)(2) of Podjo Jammarr Rowe’s § 1983 complaint concerning a traffic stop, detention, vehicle search, and arrest by Nebraska Highway Patrol officers. The court dismisses claims brought on behalf of other individuals, explains that challenges to criminal convictions must be brought through habeas corpus, and holds that official-capacity claims are barred by sovereign immunity. The court finds the Fourth Amendment allegations insufficiently specific but grants Rowe 30 days to file an amended complaint against the officers in their individual capacities.

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	Joseph F. Bataillon
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	January 12, 2026
DOCKET	8:25-cv-00381
DISPOSITION	dismissed
PROCEDURAL POSTURE	Initial review of a pro se, in forma pauperis complaint under 28 U.S.C. § 1915(e)(2).
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the court must dismiss an in forma pauperis complaint that is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant. The court applies the plausibility standard under <i>Bell Atlantic Corp. v. Twombly</i> and <i>Ashcroft v. Iqbal</i> and liberally construes a pro se complaint.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; persuasive authority only.

TOPICS

section 1983

civil rights

sovereign immunity

eleventh amendment immunity

pleadings

PRACTICE AREAS

Civil rights

constitutional law

federal civil procedure

habeas corpus

sovereign immunity

QUESTIONS PRESENTED

1. Whether Rowe could prosecute claims on behalf of other individuals as a pro se litigant.
2. Whether § 1983 could be used to obtain relief from or overturn Rowe's criminal convictions.
3. Whether the Nebraska Highway Patrol and troopers sued in their official capacities were subject to damages claims under § 1983.
4. Whether Rowe's allegations of an unlawful detention, vehicle search, and arrest stated a plausible Fourth Amendment claim.
5. Whether Rowe should be granted leave to amend.

HOLDINGS

1. A pro se litigant may not represent the interests of other parties or sign pleadings on their behalf; claims Rowe purported to bring for the other named individuals were dismissed.
2. A challenge to the validity of a conviction or confinement must be brought through habeas corpus rather than § 1983; Rowe could not obtain reversal or lifting of his convictions through this civil action.
3. The Nebraska Highway Patrol and the troopers sued in their official capacities were not subject to Rowe's damages claims under § 1983 because they were not suable persons for that purpose and were protected by Eleventh Amendment sovereign immunity.
4. Rowe's conclusory allegations that the troopers unlawfully detained him, searched his vehicle, and arrested him failed to state a plausible Fourth Amendment claim, but he was granted leave to amend.

KEY QUOTATIONS

“Challenges to the validity of any confinement or to particulars affecting its duration are the province of habeas corpus” (III.B)

“A pleading that offers ‘labels and conclusions’ or a formulaic recitation of the elements of a cause of action will not do.” (III.D)

FACTUAL BACKGROUND

Rowe alleged that Nebraska Highway Patrol troopers detained him during a traffic stop on I-80, threatened him, placed him in a cruiser, searched his vehicle without permission, and arrested him and another occupant. He sought damages and requested that criminal convictions be lifted. The court took judicial notice that Rowe had pleaded no contest to several Nebraska felony charges arising from the traffic stop and was sentenced to concurrent terms of imprisonment before being released on discretionary parole.

PROCEDURAL HISTORY

Rowe filed a § 1983 complaint on June 6, 2025, and was granted leave to proceed in forma pauperis. The court conducted statutory screening and concluded that the complaint failed to state a plausible claim, but granted Rowe 30 days to file an amended complaint asserting a Fourth Amendment claim against the troopers in their individual capacities.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

No remand. Rowe was granted 30 days to file an amended complaint against Gaudreault and Rosemann in their individual capacities, restating the relevant allegations and specifying what each defendant did, when the conduct occurred, and how it harmed him. Any amended complaint must consolidate all claims and will supersede the original complaint.

CASES CITED

- Stutzka v. McCarville, 420 F.3d 757, 760 n.2 (8th Cir. 2005)
- Litschewski v. Dooley, No. 11-4105-RAL, 2012 WL 3023249, at *1 n.1 (D.S.D. July 24, 2012), aff'd, 502 F. App'x 630 (8th Cir. 2013)
- United States v. Brenton, No. 8:04CR262, 2007 WL 3124539, at *1-2 (D. Neb. Oct. 23, 2007)
- Johnson v. O'Donnell, No. 01-C-0257-C, 2001 WL 34372892 (W.D. Wis. Aug. 24, 2001)
- Jones ex rel. Jones v. Corr. Med. Servs., Inc., 401 F.3d 950, 952 (8th Cir. 2005)
- Muhammad v. Close, 540 U.S. 749, 750 (2004)
- Preiser v. Rodriguez, 411 U.S. 475, 500 (1973)
- Topchian v. JPMorgan Chase Bank, N.A., 760 F.3d 843, 848-49 (8th Cir. 2014)
- Hopkins v. Saunders, 199 F.3d 968, 973 (8th Cir. 1999)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 557, 569-70 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Stone v. Harry, 364 F.3d 912, 915 (8th Cir. 2004)
- Martin v. Aubuchon, 623 F.2d 1282, 1286 (8th Cir. 1980)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Buckley v. Barlow, 997 F.2d 494, 495 (8th Cir. 1993)
- Steckelberg v. Rice, 184 F. Supp. 3d 746, 754 n.4 (D. Neb. 2016), aff'd, 878 F.3d 630 (8th Cir. 2017)
- Llanes v. Neb. State Patrol, No. 4:06-CV-3155, 2007 WL 1321733, at *1 n.1 (D. Neb. Apr. 2, 2007)
- Will v. Michigan Dep't of State Police, 491 U.S. 58, 70 (1989)
- Egerdahl v. Hibbing Cmty. Coll., 72 F.3d 615, 619 (8th Cir. 1995)
- Dover Elevator Co. v. Arkansas State Univ., 64 F.3d 442, 446-47 (8th Cir. 1995)
- Nevels v. Hanlon, 656 F.2d 372, 377-78 (8th Cir. 1981)
- Garcia v. City of New Hope, 984 F.3d 655, 663-64 (8th Cir. 2021)

- De La Rosa v. White, 852 F.3d 740, 743 (8th Cir. 2017)
- Laney v. City of St. Louis, Mo., 56 F.4th 1153 (8th Cir. 2023)
- Johnson v. Crooks, 326 F.3d 995, 998 (8th Cir. 2003)
- United States v. Demilia, 771 F.3d 1051, 1054 (8th Cir. 2014)
- United States v. Payne, 534 F.3d 948, 951 (8th Cir. 2008)
- United States v. Gaxiola, 149 F. App'x 560, 562 (8th Cir. 2005)
- United States v. Cox, 992 F.3d 706, 710-11 (8th Cir. 2021)
- Lawyer v. City of Council Bluffs, 361 F.3d 1099, 1105-06 (8th Cir. 2004)
- Arizona v. Gant, 556 U.S. 332, 338 (2009)
- Chimel v. California, 395 U.S. 752, 763 (1969)
- Heck v. Humphrey, 512 U.S. 477, 486-87 (1994)

OPINION

Rowe

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

PODJO JAMMAR ROWE,

Plaintiff, 8:25CV381 vs.

MEMORANDUM AND ORDER

NEBRASKA HIGHWAY PATROL, KYLE

GAUNDREAULT, and ERIC ROSEMAN, and ERIC ROSEMAN,

Defendants. Plaintiff Podjo Jammarr Rowe (“Rowe”), a non-prisoner, filed a Complaint on June 6, 2025. Filing No. 1.1 Plaintiff has been given leave to proceed in forma pauperis. Filing No. 6. The Court now conducts an initial review of Rowe’s claims to determine whether summary dismissal is appropriate under 28 U.S.C. § 1915(e)(2).

I. SUMMARY OF COMPLAINT AND ADDITIONAL BACKGROUND

Rowe brings this action pursuant to 42 U.S.C. § 1983 against the Nebraska Highway Patrol and two Nebraska Highway Patrol Troopers, Kyle Gaudreault (“Gaudreault”) and Eric Rosemann (“Rosemann”), in their official capacities. Filing No. 1 at 1, 3. Rowe also appears to bring this action on behalf of himself and four other individuals—Liane Feliciano, Emillio Butts, Kory Brown, and Nellani Jefferson. See *Id.* at 1–2. Rowe’s claims arise out of a traffic stop that occurred on I-80 East at mile marker 290 on July 17, 2023, at 9:24 p.m. *Id.* at 5. Rowe alleges the following as the facts underlying his claim: 1 Upon initial filing, Rowe’s Complaint was unsigned. Rowe filed a signed copy of his Complaint on June 20, 2025. Filing No. 1-1. Trooper Gaudreault accompanied by Trooper Roseman[n] detained me without explanation [sic] threatened to do me physical harm if I did not accompany him to his cruiser after explaining to him I was Moorish American did not recognize his authority and I was only accompanying [sic] him out of duress and

would like a supervisor present he placed me in his car and performed a non permitted illegal search of my vehicle without my permission not once did he attempt to contact a supervisor and went completely against protocol during the traffic stop as he indicated that was the purpose for the stop after the search he placed myself and Lianie Feliciano under arrest and placed her children in DHHS custody the following individuals were present: Lianie Feliciano, Podjo Rowe, Emilio Butts, Kory Brown, Nellani Jefferson and Mark Hyer (by phone)[.] Id. Rowe does not allege any injuries, but seeks damages for “loss of wages, emotional distress, reimbursement of legal fees, and the time of [his] imprisonment after the illegal search and seizure [and] lifting of the convictions of myself and Lianie Feliciano.” Id. at 6. Rowe also seeks damages “for all three children's emotional distress and the defamation of character of all parties involved.” Id. A search of Nebraska state court records, available to this Court online, shows that Rowe was convicted in the District Court of Buffalo County, Nebraska, in Case No. CR23-386 for offenses arising out of a traffic stop on July 16, 2023, involving Gaudreault and Roseman in the location alleged in the Complaint.² Pursuant to a plea agreement, Rowe pleaded no contest to an amended information charging him with two counts of attempted possession of a firearm by a prohibited person, a Class II felony, two counts of prohibited person in possession of a deadly weapon, a Class III felony, and possession of a controlled substance (ecstasy), a Class IV felony, in exchange for 2 This Court has been afforded access to the computerized record keeping system for the Nebraska state courts. The Court takes judicial notice of the state court records related to this case in *State v. Podjo J. Rowe*, Case No. CR28-386, District Court of Buffalo County, Nebraska. See *Stutzka v. McCarville*, 420 F.3d 757, 760 n.2 (8th Cir. 2005) (court may take judicial notice of judicial opinions and public records). Nebraska's judicial records may be retrieved on-line through the JUSTICE site, <https://www.nebraska.gov/justice/case.cgi>. Relevant records are attached to this Memorandum and Order. dismissal of seven additional felony counts charged in the original information.³ On March 21, 2024, Rowe was sentenced to 2 to 10 years’ imprisonment on each of the Class II felonies, 1 to 4 years’ imprisonment on each of the Class III felonies, and 1 to 2 years’ imprisonment on the Class IV felony, with all sentences running concurrently.⁴ According to the Nebraska Department of Correctional Services’ online inmate records, Rowe was released from custody on October 30, 2024, on discretionary parole.⁵

II. STANDARDS ON INITIAL REVIEW

The Court is required to review in forma pauperis complaints to determine whether summary dismissal is appropriate. See 28 U.S.C. § 1915(e). The Court must dismiss a complaint or any portion of it that states a frivolous or malicious claim, that fails to state a claim upon which relief may be granted, or that seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B). “The essential function of a complaint under the Federal Rules of Civil Procedure is to give the opposing party ‘fair notice of the nature and basis or grounds for a claim, and a general indication of the type of litigation involved.’” *Topchian v. JPMorgan Chase Bank, N.A.*, 760 F.3d 843, 848 (8th Cir. 2014) (quoting *Hopkins v. Saunders*, 199 F.3d 968, 973 (8th Cir.

1999)). Plaintiffs must set forth enough factual allegations to “nudge[] their claims across the line from conceivable to plausible,” or “their complaint must be dismissed.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 569-70 (2007); see also *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (“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.”). 3 See attached Jan. 29, 2024, Journal Entry/Entry of Plea Order. 4 See attached Mar. 21, 2024, Sentencing Order. 5 See https://dcs-inmatesearch.ne.gov/Corrections/COR_input.jsp (last visited Jan. 8, 2026). “A pro se complaint must be liberally construed, and pro se litigants are held to a lesser pleading standard than other parties.” *Topchian*, 760 F.3d at 849 (internal quotation marks and citations omitted). This means that “if the essence of an allegation is discernible, even though it is not pleaded with legal nicety, then the district court should construe the complaint in a way that permits the layperson’s claim to be considered within the proper legal framework.” *Stone v. Harry*, 364 F.3d 912, 915 (8th Cir. 2004). However, even pro se complaints are required to allege facts which, if true, state a claim for relief as a matter of law. *Martin v. Aubuchon*, 623 F.2d 1282, 1286 (8th Cir. 1980).

III. ANALYSIS OF COMPLAINT

Liberally construed, Rowe alleges federal constitutional claims. To state a claim under 42 U.S.C. § 1983, a plaintiff must allege a violation of rights protected by the United States Constitution or created by federal statute and also must show that the alleged deprivation was caused by conduct of a person acting under color of state law. *West v. Atkins*, 487 U.S. 42, 48 (1988); *Buckley v. Barlow*, 997 F.2d 494, 495 (8th Cir. 1993). For the reasons that follow, Rowe’s Complaint fails to state a § 1983 claim upon which relief may be granted, but he will be given leave to amend to state a plausible Fourth Amendment claim against Gaudreault and Rosemann in their individual capacities as set forth below.

A. Claims on Behalf of Others As an initial matter, according to the caption of the Complaint, this action is purportedly brought by Rowe and four other individuals (presumably the other occupants of the vehicle stopped by Gaudreault and Rosemann), but the Complaint is only signed by Rowe and Rowe is the only listed plaintiff on the docket sheet. See Filing No. 1 at 1–2; Filing No. 1-1 at 6. To the extent Rowe is seeking relief on behalf of the other named plaintiffs, he may not do so. Pro se litigants may not represent the interests of other parties. *Litschewski v. Dooley*, No. 11-4105-RAL, 2012 WL 3023249, at *1 n. 1 (D.S.D. July 24, 2012), *aff’d*, 502 Fed.Appx. 630 (8th Cir. 2013). Rowe also may not sign the Complaint on behalf of himself and the other plaintiffs. Federal Rule of Civil Procedure 11(a) requires that all pro se parties to a case sign every pleading, written motion, and other paper that they submit to the court. Rule 11(a) helps to ensure that pro se parties consent to the filing of documents on their behalf. See *United States v. Brenton*, No. 8:04CR262, 2007 WL 3124539, at *1–2 (D. Neb. Oct. 23, 2007) (discussing *Johnson v. O’Donnell*, No. 01-C- 0257-C, 2001 WL 34372892 (W.D. Wis. Aug 24, 2001)). It is improper for a non-lawyer to sign papers in place of, or to otherwise represent, parties other than themselves. See *id.* at *1 (citing 5A C. Wright & A. Miller, *Federal Practice and*

Procedure § 1333, at 513 & n.15 (2004)); see also *Jones ex rel. Jones v. Corr. Med. Servs., Inc.*, 401 F.3d 950, 952 (8th Cir. 2005) (“a non-attorney . . . may not engage in the practice of law on behalf of others”) (citations omitted). Accordingly, any claims brought by Rowe on behalf of the other named plaintiffs must be dismissed. B. Relief from Conviction Unavailable under § 1983 In his Complaint, Rowe appears to ask that his criminal convictions be “lift[ed]” or overturned. Filing No. 1 at 6. “Challenges to the validity of any confinement or to particulars affecting its duration are the province of habeas corpus” *Muhammad v. Close*, 540 U.S. 749, 750 (2004) (citing *Preiser v. Rodriguez*, 411 U.S. 475, 500 (1973)). Thus, to the extent Rowe seeks relief from his convictions for which he is currently on parole, he must do so in a petition for writ of habeas corpus under 28 U.S.C. § 2254 and not in a civil action under 42 U.S.C. § 1983. C. Sovereign Immunity Rowe names the Nebraska Highway Patrol and Gaudreault and Rosemann in their official capacities as defendants. The Nebraska Highway Patrol, or Nebraska State Patrol as it is officially called, is a department of the State of Nebraska. *Steckelberg v. Rice*, 184 F. Supp. 3d 746, 754 n.4 (D. Neb. 2016) (citing Neb. Rev. Stat. § 81–2001; *Llanes v. Neb. State Patrol*, No. 4:06–CV–3155, 2007 WL 1321733, at *1 n.1 (D. Neb. Apr. 2, 2007)), *aff’d*, 878 F.3d 630 (8th Cir. 2017). States or governmental entities that are considered arms of the state are not suable “persons” within the meaning of 42 U.S.C. § 1983, *Will v. Michigan Dep’t of State Police*, 491 U.S. 58, 70 (1989).

In addition, the Eleventh Amendment bars claims for damages by private parties against a state, state instrumentalities, and an employee of a state sued in the employee’s official capacity. See, e.g., *Egerdahl v. Hibbing Cmty. Coll.*, 72 F.3d 615, 619 (8th Cir. 1995); *Dover Elevator Co. v. Arkansas State Univ.*, 64 F.3d 442, 446–47 (8th Cir. 1995). Any award of retroactive monetary relief payable by the state, including for back pay or damages, is proscribed by the Eleventh Amendment absent a waiver of immunity by the state or an override of immunity by Congress. See, e.g., *Dover Elevator Co.*, 64 F.3d at 447; *Nevels v. Hanlon*, 656 F.2d 372, 377–78 (8th Cir. 1981). There is nothing in the record before the Court showing that the State of Nebraska waived, or that Congress overrode, sovereign immunity in this matter. Thus, the Eleventh Amendment bars Rowe’s claims against the Nebraska Highway Patrol and Gaudreault and Rosemann in their official capacities. Because Gaudreault and Rosemann are sued only in their official capacities, Rowe’s claims against them are subject to dismissal as barred by sovereign immunity. However, even if the Court construed Rowe’s claims as being brought against Gaudreault and Rosemann in their individual capacities, his Complaint fails to allege a plausible claim upon which relief may be granted. D. Fourth Amendment Claims Rowe alleges Gaudreault and Rosemann detained him without explanation during a traffic stop, illegally searched his vehicle, and arrested him. Liberally construed, Rowe alleges Fourth Amendment violations. The Fourth Amendment guarantees the “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” U.S. Const. amend. IV. “A traffic stop is constitutionally reasonable where

the police have probable cause to believe that a traffic violation has occurred.” *Garcia v. City of New Hope*, 984 F.3d 655, 663 (8th Cir. 2021) (quoting *De La Rosa v. White*, 852 F.3d 740, 743 (8th Cir. 2017)), abrogation on other grounds recognized by *Laney v. City of St. Louis, Mo.*, 56 F.4th 1153 (8th Cir. 2023). “Explained another way, ‘any traffic violation, even a minor one, gives an officer probable cause to stop the violator,’ and therefore, ‘any ulterior motivation on the officer’s part is irrelevant.’” *Id.* at 664 (quoting *Johnson v. Crooks*, 326 F.3d 995, 998 (8th Cir. 2003)). “Whether probable cause exists depends upon the reasonable conclusion to be drawn from the facts known to the officer at the time.” *Id.* (quoting *United States v. Demilia*, 771 F.3d 1051, 1054 (8th Cir. 2014)). After stopping a vehicle, an officer has the authority to ask the driver what his or her destination and purpose is, check the driver’s license and registration, or request that the driver step out of the vehicle. *United States v. Payne*, 534 F.3d 948, 951 (8th Cir. 2008). An officer may also request identification from passengers and question them to verify information given by the driver, *United States v. Gaxiola*, 149 F. App’x 560, 562 (8th Cir. 2005), and may order passengers to get out of the car pending completion of the stop, *Maryland v. Wilson*, 519 U.S. 408, 415 (1997). A traffic stop can last as long as reasonably necessary to conduct this routine investigation, conduct a criminal history search, and issue a citation. *Payne*, 534 F.3d at 951. If this routine investigation raises the officer’s suspicions and the officer has reasonable, articulable suspicion, the officer may expand the scope of the investigation. *Id.* This may include asking about weapons and requesting consent to search the vehicle. See *United States v. Cox*, 992 F.3d 706, 710–11 (8th Cir. 2021). The Fourth Amendment permits a law enforcement officer to make a warrantless arrest if he has probable cause to believe the arrestee has committed an offense—even a minor offense. *Lawyer v. City of Council Bluffs*, 361 F.3d 1099, 1105–06 (8th Cir. 2004). One of the exceptions to the warrant requirement is a search incident to a lawful arrest. See *Arizona v. Gant*, 556 U.S. 332, 338 (2009). “The exception derives from interests in officer safety and evidence preservation that are typically implicated in arrest situations.” *Id.* This exception justifies a warrantless search of the arrestee’s person and the area within his or her immediate control, i.e., the area from within which he or she might gain possession of a weapon or destructible evidence. See *Chimel v. California*, 395 U.S. 752, 763 (1969). Though Rowe alleges Gaudreault and Rosemann detained him without explanation and illegally searched his vehicle, he alleges absolutely no facts to support these conclusory allegations. Indeed, the scant allegations of Rowe’s Complaint fail to provide any factual context for what happened during the traffic stop or the alleged unlawful detention and search and, thus, are insufficient to state a plausible claim for relief. As the Supreme Court has explained, “[a] pleading that offers ‘labels and conclusions’ or ‘a formulaic recitation of the elements of a cause of action will not do.’ Nor does a complaint suffice if it tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” *Iqbal*, 556 U.S. at 678 (internal citation omitted) (quoting *Twombly*, 550 U.S. at 555, 557). On its own motion, the Court will give Rowe leave to amend his Complaint to allege sufficient facts to state a plausible Fourth Amendment claim against Gaudreault and Rosemann in their individual capacities. If Rowe

chooses to amend his Complaint, he should be aware that if success on the merits of his Fourth Amendment civil rights claim would necessarily implicate the validity of his conviction or continued confinement, his civil rights claim must be preceded by a favorable outcome in habeas corpus or similar proceeding in a state or federal forum. Absent such a favorable disposition of the charges or conviction, Rowe may not use 42 U.S.C. § 1983 to cast doubt on the legality of his conviction or confinement. See *Heck v. Humphrey*, 512 U.S. 477, 486–87 (1994).

IV. CONCLUSION

Rowe's Complaint fails to state a plausible claim for relief and is, therefore, subject to dismissal pursuant to 28 U.S.C. § 1915(e)(2). On the Court's own motion, Rowe will be given 30 days in which to file an amended complaint that states a plausible claim for relief against Gaudreault and Rosemann in their individual capacities and clearly explains what defendants did to him, when defendants did it, and how defendants' actions harmed him. Rowe is advised that any amended complaint he files will supersede his original Complaint. IT IS THEREFORE ORDERED that:

1. Rowe shall have 30 days to file an amended complaint in accordance with this Memorandum and Order. Failure to file an amended complaint within the time specified by the Court will result in the Court dismissing this case without further notice to Rowe.
2. In the event that Rowe files an amended complaint, Rowe shall restate the relevant allegations of the Complaint, Filing No. 1, and any new allegations. Failure to consolidate all claims into one document may result in the abandonment of claims. Rowe is warned that an amended complaint will supersede, not supplement, his prior pleadings.
3. The Court reserves the right to conduct further review of Rowe's claims pursuant to 28 U.S.C. § 1915(e)(2) in the event he files an amended complaint.
4. The Clerk of Court is directed to set a pro se case management deadline using the following text: February 11, 2026: deadline for amended complaint.
5. Rowe shall keep the Court informed of his current address at all times while this case is pending. Failure to do so may result in dismissal without further notice. Dated this 12th day of January, 2026. BY THE COURT: Gs ¥ ~ Joseph F. Bataillon Senior United States District Judge 11 IN ele) = WU lel(elr-l □□□ □□□□□ Nebraska Courts Case Search O Trial Case by Judgment 0 Trial Case by Name 0 Trial Case by Number O FAQ O De Summary In the District Court of Buffalo County The Case ID is CR 23 9000386 Citation No.: eeeeeee State v. Podjo J Rowe The Honorable John H Marsh, presiding. Classification: Felony-Bindover Filed on 68/18/2023 by the County Prosecutor This case is Closed as of 93/21/2024 It was disposed as Guilty Plea/Admission in Court to the Case Party Attorney Plaintiff ACTIVE State of Nebraska Defendant ACTIVE Podjo J Rowe 24799 Lakeshore Blvd Ecuid OH 44123 Date of Birth is a Drivers License is Podjo J Rowe owes \$185.60 Witness ACTIVE Lianie Y Feliciano Buffalo County Jail Kearney NE 68847 Witness ACTIVE Christopher Watts Valley Pharmacy Kearney NE 68845 Information Count Charge Offense Class @1 Possess firearm while commit felony 3 Class

2 Felony AMENDED TO...Attempt of a class 1/1A/1B/1C/1D felony ; Class 2 Felony Offense Date is 07/16/2023 Plea is No Contest Finding is Guilty Sentence includes: Jail-Minimum Sentence Start Date 93/21/2024 Term of @2 Years Jail-Maximum Sentence Start Date 63/21/2624 Term of 10 Years Credit for Days Served Term of 250 Days Offender Assessment Screening of \$16 /60 @2 Possess firearm while commit felony 3; Class 2 Felony AMENDED TO...Attempt of a class 1/1A/1B/1C/1D felony, Class 2 Felony Offense Date is 97/16/2023 Plea is No Contest Finding is Guilty Sentence includes: Jail-Minimum Sentence Start Date @3/21/2024 Term of @2 Years Jail-Maximum Sentence Start Date 63/21/2024 Term of 10 Years @3 Possess deadly weapon while commit felny ; Class 3 Felony AMENDED TO...Count dropped/dissmissed Offense Date is 07/16/2023 @4 Possess deadly weapon while commit felny ; Class 3 Felony AMENDED TO...Count dropped/dissmissed Offense Date is 97/16/2023 @5 Possess firearm by prohibited person-1st ; Class 1D Felony AMENDED TO...Count dropped/dissmissed Offense Date is 07/16/2023 @6 Possess firearm by prohibited person-1st ; Class 1D Felony AMENDED TO...Count dropped/dissmissed Offense Date is 97/16/2023 @7 Possess deadly weapon-prohibited person ; Class 3 Felony Offense Date is 97/16/2023 Finding is Guilty Sentence includes: Jail-Minimum Sentence Start Date 63/21/2624 Term of @1 Years Jail-Maximum Sentence Start Date 93/21/2024 Term of 64 Years @8 Possess deadly weapon-prohibited person ; Class 3 Felony Offense Date is 07/16/2023 Plea is No Contest Finding is Guilty Sentence includes: Jail-Minimum Sentence Start Date 93/21/2024 Term of 61 Years Jail-Maximum Sentence Start Date 03/21/2024 Term of 064 Years @9 Possess controlled substance ; Class 4 Felony Offense Date is 07/16/2023 Plea is No Contest Finding is Guilty Sentence includes: Jail-Minimum Sentence Start, Date 03/21/2024 Term of 61 Years Jail-Maximum Sentence Start Date 63/21/2624 Term of @2 Years 1@ Possess controlled substance 3 Class 4 Felony AMENDED TO...Count dropped/dissmissed Offense Date is 07/16/2023 11 Possess controlled substance ; Class 4 Felony AMENDED TO...Count dropped/dissmissed Offense Date is 97/16/2023 12 Possess controlled substance ; Class 4 Felony AMENDED TO...Count dropped/dissmissed Offense Date is 07/16/2023 Officers Agency Officer Nebraska State Patrol Kyle Gaudreault Costs Information By Account Date Amo Information 08/21/2023 \$35 Automation Fee 08/21/2023 \$8 NSC Education Fee 08/21/2023 \$1 Dispute Resolution Fee 08/21/2023 \$0 Indigent Defense Fee 08/21/2023 \$3 Uniform Data Analysis Fee 08/21/2023 \$1

JLR.F. 08/21/2023 \$6

Filing Fee-JRF 08/21/2023 \$7 Crime Victim Fund 08/21/2023 \$1 Civil Legal Services Fund 08/21/2023 \$1

L.E.I.F. 08/21/2023 \$2

Legal Aid/Services Fund 08/21/2023 \$6 Comp Rec/Records Management 08/21/2023 \$15 County Court Fees 08/22/2023 \$50 Service Fees 01/16/2024 \$18 Service Fees 01/19/2024 \$20 Activity No trust money is held by the court No fee money is held by the court for Recovery By Account Date Amo Information 08/21/2023 \$35 Automation Fee 08/21/2023 \$8 NSC Education Fee

08/21/2023 \$1 Dispute Resolution Fee 08/21/2023 \$0 Indigent Defense Fee 08/21/2023 \$3
Uniform Data Analysis Fee 08/21/2023 \$1

J-R.F. 08/21/2023 \$6

Filing Fee-JRF 08/21/2023 \$7 Civil Legal Services Fund 08/21/2023 \$1

L.E.I.F. 08/21/2023 \$2

Legal Aid/Services Fund 08/21/2023 \$6 Comp Rec/Records Management 08/21/2023 \$15 County
Court Fees 08/22/2023 \$50 Service Fees 01/16/2024 \$18 Service Fees 01/19/2024 \$20 Made to
the Court Type Date For Amo Non-Monetary Rec 01/19/2024 State of Nebraska Void Non-
Monetary Rec 01/19/2024 State of Nebraska \$20 Service Fees \$20 Non-Monetary Rec 01/16/2024
State of Nebraska \$18 Service Fees \$18 Check 09/29/2023 State of Nebraska \$36 Automation Fee
\$8 NSC Education Fee \$1 Dispute Resolution Fee \$ Indigent Defense Fee \$3 Uniform Data
Analysis \$1

JLR.F. \$6

Filing Fee-JRF \$7 Civil Legal Services F \$1

L.E.L.F. \$2

Legal Aid/Services Fun \$6 of Actions @3/21/2624 Abstract-Voter Reg/CR History Order sent to
Cuyahoga County, OH election commissioner 63/21/2624 Sentencing Order This action initiated
by John H Marsh eNotice Certificate Attached Image ID N24081S4KDe9 Q3/21/2024
Commitment Issued on Podjo J Rowe The document number is 09050283 Image ID
909@35141eDe9 @3/20/2624 Note from Court Staff PSI shared: Willils/Calkins @2/16/2624
Entry of Appearance This action initiated by party State of Nebraska Image ID N24647TYLD69
@1/29/2624 Journal Entry This action initiated by John H Marsh entry of plea/sentencing March
21,, 2024 @\9:@@am eNotice Certificate Atta ched Image ID N24629ZRYD69 @1/29/2624
Amended Information This action initiated by party State of Nebraska Image ID N24629YZ6De9
Order This action initiated by John H Marsh order to endorse additonal witness eNotice Certificate
Attached Image ID N24019UL8De9 Notice Filed This action initiated by party Podjo J Rowe
notice of hearing Jan 29,2024 @ 9:0@am Image ID N24019SCAD@9

PIVLIOT FILLE

This action initiated by party Podjo J Rowe motion to suppress Image ID N24619SBSD69 Return-
Subpoena-Criminal/Juvenile The document number is 90049422 Served 61/18/2024 Personal
Service Served at Valley Pharmacy Image ID Deee49466De9 Subpoena Issued on Christopher
Watts The document number is 90049422 Image ID De@e049422De9 Praecipe-Subpoena This
action initiated by party State of Nebraska Image ID N24017HS7De9 01/17/2024 Motion Filed
This action initiated by party State of Nebraska Image ID N240617HRNDOO @1/16/2024
Return-Subpoena-Criminal/Juvenile The document number is 00049368 Served 01/12/2024,
Buffalo County Sheriff Personal Service Served at Buffalo County Jail Image ID Deee49392De9
@1/12/2024 Subpoena Issued on Lianie Y Feliciano The document number is 90049368 Image ID
D@0049368De9 Praecipe-Subpoena This action initiated by party State of Nebraska 01/09/2024

Order This action initiated by John H Marsh order setting bench trial Jan 29, 2024 @ 9:00am eNotice Certificate Attached Image ID N24009H75De9 01/62/2024 Order-Jury Trial This action initiated by John H Marsh Jan 22, 2024 @ 9:00am eNotice Certificate Attached Image ID N24002IVLD@9 12/15/2023 Order-Hearing This action initiated by John H Marsh Final Status Hearing: January 5, 2024 @ 8:45am eNotice Certificate Attached Image ID N23349WRFD@9 12/61/2023 Order This action initiated by John H Marsh order setting jury trial Jan 22, 2024 @ 9:60am eNotice Certificate Attached Image ID N2333545ND69 11/21/2023 Order-Continuance This action initiated by John H Marsh final plea/pretrial Nov 30, 2023 @ 1:30pm eNotice Certificate Attached Image ID N23325YKKD69 10/31/2023 Order-Continuance This action initiated by John H Marsh Nov 28, 2023 @ 1:36pm eNotice Certificate Attached Image ID N23304BZXD69 16/30/2023 Motion Filed This action initiated by party Podjo J Rowe Image ID N233036KZD69 10/02/2023 Request This action initiated by party Podjo J Rowe Image ID 9090348856De9 Q9/26/2623 Written Not Guilty Plea This action initiated by party Podjo J Rowe Image ID N23269XTND@9 69/20/2623 Order This action initiated by John H Marsh order re: bond stays same \$20,000 cash or surety eNotice Certificate Attached Image ID N23263A1ND09 69/13/2623 Objection This action initiated by party State of Nebraska objection to bond review Image ID N23256DMAD69 Affidavit-Support of Motion This action initiated by party Podjo J Rowe Image ID N23256CE7D@9 Motion Filed This action initiated by party Podjo J Rowe motion for bond review Image ID N23256CE2D09 09/12/2023 Order-Reciprocal Discovery This action initiated by John H Marsh eNotice Certificate Attached Image ID N23255/7H9D@9 MOTION-KRECIPOcal Discovery This action initiated by party State of Nebraska Image ID N23255406De9 Order-Discovery This action initiated by John H Marsh eNotice Certificate Attached Image ID N2325@LRQD69 Motion-Discovery This action initiated by party Podjo J Rowe Image ID N23250J8XD@9 09/07/2023 Motion Filed This action initiated by party Podjo J Rowe motion for bond review Image ID N2325@J8HDe9 08/23/2023 Progression Order This action initiated by John H Marsh arraignment Sept 26, 2023 @ 11:15am final plea/pretrial Oct 31, 2023 @ 1:30pm eNotice Certificate Attached Image ID N23235RLWD69 Case Manually Assigned Previous Judge 90000; New Judge 18127; User ID ce9e1041 08/22/2023 Transcript-County Court This action initiated by party State of Nebraska Transcript received electronically. Image ID De90047818De9 08/21/2023 Information This action initiated by party State of Nebraska Image ID N23233GH8D69 Tale It-vem (18) 0-F1.¢- mele) LT Case Number: D09CR230000386 Transaction ID: 0021092704 JOURNAL ENTRY / ENTRY |Filing Date: 01/29/2024 05:17:50 PM ¢

OF PLEA

IN THE DISTRICT COURT OF BUFFALO COUNTY, NEBRASKA

STATE V. PODJO J ROWE Case ID: CR23-3

On the 29th day of January, 2024, this matter comes on for an entry of plea hearing.

APPEARANCE AND ADVISEMENT

Judge John H. Marsh Defendant Podjo J. Rowe Defense Counsel Richard Calkins Prosecutor Michael Mefferd Waived service of Amended/Information. Waived reading of Amended/Information. Rights advisement given.«Deéfendant advised of the charges and all possible penalties.

ARRAIGNMENT

Upon inquiry by the Court, the Defendant acknowledged Defendant's understandin of rights, charges, proceedings and penalties, and further acknowledged Defendant's understanding that the entry of a plea of guilty or no contest, waives all rights to trial.

CHARGES (AMENDMENTS /PLEAS /FINDINGS/FINES /SENTENCE/JAIL/DISMISSALS)

Defendant pled () Guilty (X) No Contest to: CCoounntt 22:: AAttteemmpptteedd PPosssseessssiioonn ooff aa FFirreeaarrmm bbyy aa PPrroohhiibbiitteedd PPeerrsoonn -- 11sstt OOfffeennssee,, aa CCllaasss III FFeelloonny CCoounntt 33:: DDiissmiiissseedd CCoounntt 44:: DDiissmiiissseedd CCoounntt 55:: DDiissmiiissseedd CCoounntt 66:: DDiissmiiissseedd CCoounntt 77:: PPrroohhiibbiitteedd PPeerrsoonn iinn PPosssseessssiioonn ooff aa DDeeaaddllyy WWeeaappoon,, aa CCllaasss IIIII FFeelloonny CCoounntt 88:: PPrroohhiibbiitteedd PPeerrsoonn iinn PPosssseessssiioonn ooff aa DDeeaaddllyy WWeeaappoon,, aa CCllaasss IIIII FFeelloonny CCoounntt 99:: PPosssseessssiioonn ooff aa CCoonnttroollleedd SSuubbsstaanncee,, too--wwiitt:: EEccssttaassy,, aa CCllaasss IIVV FFeelloonny CCoounntt 1100:: DDiissmiiissseedd CCoounntt 1111:: DDiissmiiissseedd CCoounntt 1122:: DDiissmiiissseedd TThhee CCoourrtt reecceeiivveedd EExxhiibbiittss 11,, 22 && 33 ffoorr tthhee ffaaccttuaall bbaassiiss.. TThhee CCoourrtt ffiinnddss tthhaatt aann aaddeeqquaatee ffaaccttuaall bbaassiiss wwaass eesstaabblisshheedd ffoorr tthhee pplleaa.. AAffteerr ffuurtttheerr iinnquuiirry tthhee DDeeffeennddaannt aackknnoowwleeddggeedd tthhaatt tthhee DDeeffeennddaannt'ss pplleaa wwaass noott tthhee reessuullt ooff aanny pprroommisse oor tthhreeaatt.. TThhee CCoourrtt ffoounndd tthhaatt tthhee DDeeffeennddaannt'ss pplleaa wwaass eenntterreedd kknnoowwiinggly,, vvoolluunntaarriilly aannndd iinnteellliiggeenntlly aannndd tthhaatt tthhee DDeeffeennddaannt kknnoowwiinggly,, vvoolluunntaarriilly aannndd iinnteellliiggeenntlly wwaaiivveedd DDeeffeennddaannt'ss ccoonnsstiittuutiionnaall rriigghhttss aass heerreeinnaabboovvee eexppllaaiinneedd.. PPlleaa neeggoottiaattiionns eexppllaaiinneedd bby CCoounsseell.. TThhee CCoourrtt ffoounndd tthhaatt tthhee pplleaa ooff tthhee DDeeffeennddaannt wwaass aacccepptteedd aannndd ccoonnvviicttiionn iiss eenntterreedd puurrssuaannt tthheerreetoo.. OOtthheerr FFiinnddiingss//PPlleaa BBaarrggaaiinn TThhee SSttaatee wwiilll aammeenndd CCoounntss 11 aannndd 22 too AAttteemmpptteedd PPosssseessssiioonn ooff aa FFirreeaarrmm bbyy aa PPrroohhiibbiitteedd PPeerrsoonn -- 11sstt OOfffeennssee,, aannndd ddiissmiiiss CCoounntss 33,, 44,, 55,, 66,, 1100,, 1111,, aannndd 1122 iinn eexxcchhaannggee ffoorr tthhee DDeeffeennddaannt'ss pplleaa

ooff gguuillttypy oorr nnoo ccoonntteesstt too CCoouunnttss 11 aanndd 22 plea agreement.

ADDITIONAL ENTRIES OF RECORD

Thereafter the Court ordered the State Probation Office to conduct a full presentence investigation and make an appropriate report of their findings to the Court. Said Presentence Investigation, at the discretion of a probation officer, shall include: Substance Abuse Evaluation. Sentencing has been scheduled for: March 21, 2024, at 9:00 a.m. Pending sentencing, the Defendant is remanded to the custody of the Buffalo County Jail. IT IS ORDERED, ADJUDGED AND DECREED AS HEREINABOVE SET FORTH. BY THE DISTRICT COURT: a * (Ge John H Marsh

CERTIFICATE OF SERVICE

the undersigned, certify that on January 30, 2024 , I served a copy of the foregoing upon the following persons at the addresses given, by mailing by United States Ma prepaid, or via E-mail: Calkins Michael L Mefferd buffalocaefile@buffalocounty.ne.gov et So ae, January 30, 2024 BY THE COURT: | rofl. □ agi Seal ASE “EaS.. SoCs CLERK GEA Mon, as hy, Co oa He? “ey COUNT as CY Case Number: DO9CR230000386 Transaction ID: 0021338743 SENTENCING ORDER Filing Date: 03/21/2024 10:51:40 AM C

IN THE DISTRICT COURT OF BUFFALO COUNTY, NEBRASKA

STATE V. PODJO J ROWE Case ID: □□□□□□

On this 21st day of March, 2024, this matter came on for sentencing hearing.

APPEARANCE AND ADVISEMENT

Judge John H. Marsh Defendant Podjo Jammarr Rowe Defense Counsel Richard Calkins Prosecutor Melissa Willis

CHARGES AND FINDINGS

The defendant was previously=convicted: Count 1: AttemptedyPossession of a Firearm by a Prohibited Person, 1st Offense - a Class II Felony Count 2: Attempted Possession of a Firearm by a Prohibited Person, 1st Offense - a Class II Felony Count 3: Dismissed Count 4: Dismissed Count 5: Dismissed CCoouunntt 88:: PPrrroohhiibbiitteedd PPeeerrssoonn iinn PPoosssseessssiioonn ooff aa DDeeaaddllyy WWeeaappoonn,, aa CCllaassss IIIIII FFelloonnyy CCoouunntt 99:: PPoosssseessssiioonn ooff CCoonnttroollleedd SSuubbssttaanncee,, too--wwiitt:: EEccssttaassy,, aa CCllaassss IIVV FFelloonnyy CCoouunntt 1100:: DDiissmmiissseedd CCoouunntt 1111:: DDiissmmiissseedd CCoouutt 1122:: DDiissmmiissseedd CCoounnsseell ffoorr bbootthh SSttaatee aanndd tthhee DDeeffeennddaanntt ssttaatee tthhaatt tthheey hhaavvee hhaadd tthhee ooppppoorrttuunniitty too rreeaadd aanndd eexxaammiinee tthhee pprreeseenntteenncee iinnvveessttiiggaattioonn reeppoorrtt.. CCoounnsseell ffoorr tthhee DDeeffeennddaanntt oobbjeeecttss too tthhee PPSSII.. TThhee CCoourrtt hheearrd aarrgguummeenntt ooff ccoounnsseell reeggaarrddiinnng tthhee PPSSII.. UUpoon ccoonssiiddeerraattioonn,, tthhee CCoourrtt wwiilll ddiissreeggaarrdd aanny reecommmmeenndaattioonnss oouttssiidee ooff ssuubbssttaanncee aabbuussee.. AAlllooccuttiioonn oofffeerreedd.. NNeetiithheerr tthhee ddeeffeennddaanntt nnoorr

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sshhooulldd noott bbee pprroonnoouunncceedd,, tthee CCoourrtt sseenntteenncceess tthee
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22 yeearrss noorr mmoorree tthaann 1100 yeearrss;; CCoounntt 77:: NNoott leesss
tthaann 11 yeearr noorr mmoorree tthaann 44 yeearrss;; CCoounntt 88:: NNoott leesss
tthaann 11 yeeass noorr mmoorree tthaann 44 yeearrss;; CCoounntt 99:: NNoott leesss
tthaann 11yeearr noorr mmoorree tthaann 22 yeearrss;; DDeeffeennddaanntt iiss
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sseenntteenncce onn eeaacchh ccoounntt sshhaallll ruunn ccoonccuurreenntt too onnee
aanootttheerr.. DDeeffeennddaanntt iiss oorddeerredd too ppaay CCoostss ooff tthhiiss
aaccttiioon provided same. Defendant's bond, if any, is ordered released and applied to costs.
Defendant advised of prohibition under 18 U.S.C. 922 (g) (9) regarding firearms Defendant is
remanded to the custody of the Sheriff for transportation to the Nebraska Department of
Corrections to commence serving his sentence. BY THE DISTRICT COURT: (EO nnn John H
Marsh

CERTIFICATE OF SERVICE

the undersigned, certify that on March 21, 2024 , I served a copy of the foregoing upon the
following persons at the addresses given, by mailing by United States Ma prepaid, or via E-mail:
Calkins Melissa L Willis buffalocaefile@buffalocounty.ne.gov et So ae, bh, Arberaw | (March 21,
2024 BY THE COURT: ¢ r ‘ “EaS.. SoCs CLERK GEA Mon, as hy, Co oa He? “ey COUNT as