

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH S. BARONE,

Plaintiff,

-against-

UNITED STATES OF AMERICA, SPECIAL  
AGENTS MICHAEL GAETA, GREGORY MICELI :  
and MICHAEL TROMBETTA in their official :  
capacities as agents of the Federal Bureau of :  
Investigation and in their individual capacities,

Defendants.

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12 Civ. 4103 (AJP)

**OPINION & ORDER**

**ANDREW J. PECK, United States Magistrate Judge:**

Plaintiff Joseph Barone brought this Bivens action against defendants arising out of his alleged malicious prosecution in connection with a murder for hire plot. Presently before the Court is defendants' summary judgment motion. (Dkt. No. 114.) The parties have consented to decision of the motion by a Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Dkt. No. 122.) For the reasons set forth below, defendants' motion is GRANTED.

**FACTS**

**Barone's Beginnings As An FBI Informant**

Barone spent his childhood in Westchester County, New York, with his "father, Joseph A. Barone, Sr., [who] was a made member of the Genovese crime family." (Dkt. No. 128: Barone Aff. ¶¶ 3, 7.) Through his father, Barone made numerous contacts within the Italian mafia or La Cosa Nostra ("LCN") and "was generally thought to be associated with the LCN" as a young man. (Barone Aff. ¶ 7.) "In those days," Barone states, he "occasionally participated in illegitimate









































































