

UNITED STATES DISTRICT COURT

for the
District of New Jersey

United States of America
v.
Bhushan Athale

Case No.
24-MJ-7051 (EAP)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 17, 2022 in the county of Burlington in the
District of New Jersey, the defendant(s) violated:

Table with 2 columns: Code Section, Description of Offenses. Rows include 18 U.S.C. § 245(b)(2)(C) and 18 U.S.C. § 875(c) with descriptions like Interference With Federally Protected Activities and Interstate Threats.

See Attachment A

This criminal complaint is based on these facts:

See Attachment B

Continued on the attached sheet.

Pauline Pogorzelski

Complainant's signature

Pauline Pogorzelski, FBI Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by

telephone (specify reliable electronic means).

Date: 06/04/2024

Elizabeth A. Pascal

Judge's signature

City and state: Camden, New Jersey

Elizabeth A. Pascal, U.S. Magistrate Judge

Printed name and title

CONTENTS APPROVED

UNITED STATES ATTORNEY

By: 

Sara A. Aliabadi, AUSA

Jason M. Richardson, AUSA

Date: June 4, 2024

Attachment A

Count 1

(Interference With Federally Protected Activities – 18 U.S.C. § 245(b)(2)(C))

On or about September 17, 2022, in Burlington County, in the District of New Jersey and elsewhere, the defendant,

BHUSHAN ATHALE,

transmitted a series of voicemail messages to Individual 1, a Sikh woman, and did willfully, by threat of force, intimidate and interfere with, and attempt to intimidate and interfere with, Individual 1, and other Sikhs working at her place of employment, because of Individual 1 and her co-workers' religion and because they were and had been enjoying employment, and all prerequisites thereof, by a private employer. Athale's conduct included the threatened use of a dangerous weapon, *to wit*, a razor blade.

In violation of Title 18, United States Code, Section 245(b)(2)(C).

Count 2

(Interstate Threats – 18 U.S.C. § 875(c))

On or about September 17, 2022, in Burlington County, in the District of New Jersey and elsewhere, the defendant,

BHUSHAN ATHALE,

knowingly, and in conscious disregard of a substantial and unjustifiable risk that the communication would be understood as a true threat, transmitted in interstate and foreign commerce, from the State of Texas to the State of New Jersey, a communication, that is, a series of voicemail messages, to Individual-1, which contained a threat to physically injure Individual 1 and other Sikhs working at her place of employment.

In violation of Title 18, United States Code, Section 875(c).

ATTACHMENT B

I, Pauline Pogorzelski, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since September 26, 2021. I am currently assigned to the Philadelphia Field Division. During my tenure as an FBI Agent, I have conducted or assisted in numerous investigations that have resulted in the arrests of individuals who have violated federal law. Through my training and experience, I have become familiar with a variety of interstate threats and civil rights violations and the federal statutes prohibiting such activity.

2. The information contained in this Affidavit is based on my personal knowledge and observation; my training and experience; reports and information I have received from others participating in the investigation; victim interviews; surveillance; and review of records and documents. Because this Affidavit is being submitted for the limited purpose of establishing probable cause to issue a complaint, I have not included every detail of every aspect of the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause to support the charges in the complaint. Unless specifically indicated, all conversations and statements described in this Affidavit are related in substance and in part. Where I assert that an event took place on a particular date or at a particular time, I am

asserting that it took place on or about the date or time asserted. Similarly, where I assert that an event took place a certain number of times, I am asserting that it took place approximately that number of times.

3. Based on my training and experience and the facts as set forth in this Affidavit, I submit there is probable cause to believe that BHUSHAN ATHALE has committed violations of 18 U.S.C. 875(c), by transmitting an interstate threat to injure, and 18 U.S.C. § 245(b)(2)(C), by transmitting threats of force to willfully intimidate and interfere with, and attempt to intimidate and interfere with, persons because of their religion and because they have been enjoying their federally-protected rights to employment by a private employer. ATHALE's conduct included the threatened use of a dangerous weapon, *to wit*, a razor blade.

RELEVANT INDIVIDUALS AND ENTITIES

4. BHUSHAN ATHALE is a naturalized United States citizen on or about September 24, 2022. According to ATHALE's application for citizenship, which was filed with the Department of Homeland Security on September 26, 2021, ATHALE was born in India and self-reported that he practices the Hindi religion. As explained herein, ATHALE has a lengthy history of using violent imagery to express hatred toward others based on their religion, including both the Muslim religion and the Sikh religion.

5. Organization 1 is a national nonprofit organization with multiple locations that advocates for the civil rights of individuals within the United

States who practice the Sikh religion.¹ Organization 1 is based in New York, with additional staff working and living in other states, including New Jersey.

6. Individual 1 is a female individual who practices the Sikh religion and is employed full-time by Organization 1. Individual 1 works for Organization 1 at a location within the State of New Jersey and, as part of her professional duties for Organization 1, she sometimes receives calls made by members of the public to Organization 1. Individual 1 speaks and understands multiple languages, including English, Hindi, Punjabi, and Marathi.

7. Individual 2 is a male individual who practices the Sikh religion and is married to Individual 1.

8. Individual 3 is a male individual who practices the Sikh religion and is employed full-time by Organization 1.

9. Individual 4 is a male individual who practices the Muslim religion and who used to work with ATHALE.

10. Organization 2 is an organization that previously employed both ATHALE and Individual 4 in November 2021.

SUMMARY OF INVESTIGATION

11. As further described below, on September 17, 2022, ATHALE left seven voicemails for Individual 1 in which ATHALE expressed hatred toward members of the Sikh religion. Over the course of these voicemails, ATHALE

¹ This Affidavit uses the terms "Organization 1," "Individual 1," etc., to protect the identities and safety of the involved entities and individuals.

threatened to use force, including a dangerous weapon, to physically injure Individual 1, a Sikh woman, and other Sikhs at working at Organization 1, based on their status as practicing Sikhs, and in order to intimidate, injure, and interfere with their enjoyment of her employment. ATHALE did this by threatening to “catch” Individual 1 and other Sikhs at Organization 1, forcibly “shave” the “top and bottom hair” of these individuals, use a “razor” to forcibly “cut” these individuals’ hair and “make” them bald, forcibly “make” them smoke and eat tobacco, and “show [them] the heaven.” The FBI’s investigation revealed that this was not the only time that ATHALE had targeted individuals based on his hatred of their religion. In November 2021, ATHALE had sent hateful messages to his Muslim co-worker in Nebraska, Individual 4, in which ATHALE used violent imagery to express his animosity toward Muslims. Also, in March 2024, ATHALE contacted Organization 1 and left two additional voicemails in which he used violent imagery to express his continued hatred toward both Sikhs and Muslims.

**BACKGROUND FOR RELIGIOUS REFERENCES CONTAINED IN ATHALE’S
VOICEMAILS AND OTHER MESSAGES**

12. In ATHALE’s threatening voicemails and messages of hatred based on religion, ATHALE frequently demonstrated his familiarity with the Sikh religion. ATHALE referenced individuals, places, events, and beliefs that are historically symbolic and important to the Sikh religion, the Muslim religion, and/or the Hindu religion.

13. The Sikh religion is one of the world's largest religions, with more than 25 million followers worldwide. The Sikh religion reportedly originated in or near the region of the world that is now divided between Pakistan and India.

14. The Muslim religion is one of the world's largest religions, with more than 1.8 billion followers worldwide. The Muslim religion, also known as Islam, reportedly originated in or near the region of the world that is now Saudi Arabia.

15. The Hindu religion is one of the world's largest religions, with more than 1 billion followers worldwide. The Hindu religion reportedly originated in or near the region of the world that is now India and Pakistan.

16. Over the course of this investigation, I have learned the following:

a. In 1947, the area of land commonly known as "British India" was divided to form two new countries: the Republic of India and the Islamic Republic of Pakistan. This division, which commonly is referred to as the Partition of 1947, was associated with a large amount of violence and unrest in the affected region.

b. While the Partition was instituted along geographic lines, it also is widely considered to have resulted from, or be related to, religious differences in the region. In general, as a result of the Partition, the Muslim-dominant areas went to Pakistan and the Hindu-dominant areas went to India.

c. Both the Sikh and Islamic religions are in the minority in India, as compared with the Hindu religion. More specifically, according to the

2011 census, approximately 80% of the population of India identifies with the Hindu religion, approximately 14% identifies with the Muslim religion, and approximately 2% identifies with the Sikh religion.

d. "Khalistan," or the so-called "Khalistan movement," commonly is understood as a separatist movement seeking to create a religious homeland for Sikhs by establishing a sovereign state. Some, though not all, Sikhs support the Khalistan movement.

e. The Sikh religion is believed to have been founded by Guru Nanak, who was born in the region of Punjab, South Asia. According to the Sikh religion, there were several subsequent gurus, or religious leaders. One of these gurus was Guru Gobind Singh. Guru Gobind Singh is particularly significant, among the gurus, for those who practice the Sikh religion.

f. As one of the five articles of their religion, practicing Sikhs are required to maintain unshorn hair. This practice is part of the external identity of a Sikh. Accordingly, based on their religion, Sikhs are not supposed to cut or shave hair from any part of their body. Sikhs also are forbidden from using any intoxicants, including tobacco products, based on the tenets of their religion.

g. A gurdwara is a Sikh house of worship. Langar is the communal meal shared by Sikhs and visitors at a gurdwara. Nanded is a place in India that has great historical significance to the Sikh religion.

ATHALE'S SEPTEMBER 2022 VOICEMAILS CONTAINING A THREAT OF FORCE AND A MESSAGE OF HATRED BASED ON RELIGION

17. On the morning of Saturday, September 17, 2022, Individual 1 received a call on her work-issued, Google voice number from ATHALE's cellular telephone, which was then routed to Individual 1's personal cellphone in New Jersey.² Individual 1 did not answer the call. Approximately two minutes later, Individual 1 received another call from ATHALE, and again the caller did not leave a voicemail. Individual 1 called back, using Individual 1's personal cellphone. ATHALE answered the phone. During the conversation that ensued, ATHALE asked Individual 1 why Individual 1 wanted Khalistan. ATHALE also stated that he had been to "Nanded" and had had "langar" at a "gurdwara." During the conversation, ATHALE began to curse at Individual 1.

18. Individual 1 subsequently hung up the phone, attempted to block ATHALE's number, and wrote to some of her colleagues at Organization 1 to warn them that they may receive similar communications.

19. Over the course of the next hour on September 17, 2022, Individual 1 received seven voicemails from ATHALE.³ The voicemails were

² Organization 1's phone system forwards calls to various employees of Organization 1, including those who work remotely on behalf of Organization 1.

³ Telephone records reflect that ATHALE called Individual 1 directly on her cellphone approximately 9 times on September 17, 2022, and ATHALE called Organization 1 approximately 3 times on September 17, 2022.

spoken in an angry tone, primarily in the Hindi language, with some words spoken in English.⁴

20. Based on records obtained during the course of the investigation, I have learned that the cellular telephone that called Individual 1 was subscribed to and used by ATHALE, in his own name and address, in Dallas, Texas, during all times relevant to this investigation. This cellular number attached to this telephone also was used as the contact number for ATHALE's professional networking site profile, which he used in November 2021 to send hate-fueled messages to his former co-worker, Individual 4, at Organization 2, as further set forth below. The same cellular phone number was listed as the contact number for ATHALE's prior employment at Organization 2, and for his electronic service provider.

21. I have reviewed cell site records from ATHALE's account for the time period surrounding September 17, 2022, which reflect the approximate location of the caller during this time period. Based on my review of these records, I believe that ATHALE was physically located in Dallas, Texas, which is

⁴ As described herein, ATHALE's voicemails included a threat to "catch" Individual 1 and other Sikhs at Organization 1, forcibly "shave" the "top and bottom hair" of these individuals, use a "razor" to forcibly "cut" these individuals' hair and "make" them bald, forcibly "make" them smoke and eat tobacco, and "show [them] the heaven." It is my understanding that a dangerous weapon, such as the referenced "razor," would be required to accomplish the threatened acts of violence—particularly the forcible hair-cutting. This is especially true because, as explained herein, haircutting and ingestion of tobacco products are acts that are expressly prohibited by the Sikh religion, and practicing Sikhs such as Individuals 1, 2, and 3 would not allow another person to do these things to them, without being forced to do so.

the same town where ATHALE lives, at the time that ATHALE called Organization 1, spoke with Individual 1, and left the threatening voicemail messages for Individual 1 on September 17, 2022.

22. A translation⁵ of ATHALE's voicemails on September 17, 2022, reflects that ATHALE said the following:

Voicemail 1, September 17, 2022

ATHALE: ... You assholes ... if Khalistan ... You assholes, if you want Khalistan, will catch each one of you...will shave off top and bottom hair of each one of you, sister fuckers. Will make the head bald and remove lower hair also. Huh, mother fuckers... You want Khalistan, you beggars? Sister fuckers ...[UI] sister fuckers, usurpers...

Voicemail 2, September 17, 2022

ATHALE: ... *You want Khalistan, I will give you Khalistan, huh. I have a fucking free barber shop huh. I am going to catch each and every fucking Sikh and cut their mother fucking hair, okay; up and down, all the way ... sister fucker. Khalistan, you want Khalistan, fucking Sikh. I mean, is it even fucking 12 o'clock right now that you are getting stupid or something. [UI].*⁶

⁵ Italicized words were in *English*.

⁶ From my investigation in this case, I am aware that there are some people who claim that Sikhs "go crazy" or "get stupid" at 12 o'clock, or otherwise lose their judgment and inhibitions at that time, and that this is the reason behind certain ethnic jokes and stereotypes about Sikhs that reference "12 o'clock." However, others say that the "12 o'clock" reference in Sikh jokes is actually a reference to a military invasion of the area now known as India in the 1700s, and the actions of certain Sikhs at that time who saved captured individuals by launching midnight ("12 o'clock") raids and then returning those individuals to their homes.

Voicemail 3, September 17, 2022

ATHALE: ... Heard that you want Khalistan, sister fucker. Will catch each cluster of your hair and cut it, will engage a barber for free. Will remove upper and lower hair by using the razor, get each one of them, usurpers. Will send them after bald heading them ... sister fuckers, to your Punjab, huh, mother fuckers ... You want Khalistan, usurper ... mother fucker. We will catch each asshole and cut all his hair. You know that. Will send you after making you smoke a cigarette, sister fucker, *fuck*, after making you eat tobacco ... your mother's ass, usurper... Huh, see what I shall do now huh... You want Khalistan, you son of a whore, huh.

ATHALE: You assholes, will kick your ass out of Maharashtra, huh ... You will get very little time to run away... Do you understand, asshole. And that Nanded...your Nanded, of Guru Govind Singh, will kick you up to there, fuck you, heh [UI]. *We will fuck the Nanded, sister fucker... You want to stay in Maharashtra, you have to follow the rules, huh. Khalistan, you want Khalistan, huh, sister fucker, we will give you Khalistan. We will give you fucking free hair cut ... Pound... how to send a fucking ...*

Voicemail 4, September 17, 2022

ATHALE: ...[beeping tone]... *I have hired a barber for your hair cut...*[beeping tone]...

Voicemail 5, September 17, 2022

ATHALE: ...[beeping tone]... *Your Punjab, you want Khalistan, right. Why, why do you need Khalistan to begin with? You cannot even handle fucking Punjab. Huh, sister fucker... I will tell you... Take eh... If you ... want Khalistan, we will need all the mother fucking Sikhs out of India, yeah, now they go. We will catch them and cut their fucking hair, free charge, free delivery, upper and lower both, sister fuckers...*[beeping tone]...

Voicemail 6, September 17, 2022

ATHALE: ... *If you don't call me back, I am going to do free hair cut...each and every fucking Punjabi. We will catch them and we will give them a free fucking hair cut, up and down, both [UI] you.*

Voicemail 7, September 17, 2022

ATHALE: ...[beeping tone]...*Hello, I will make sure that you know, we catch each and every fucking Sikh and make a donation; will give it to Tirupati temple or then sell it in America. I will make sure ... every Sikh will be fucking bald ... huh. We cut his top and down, woman and man. We are not going to discriminate ... sister fucker. Do you understand? We will catch with everyone... Up and down, will remove the top hair and also the clusters of hair underneath, and the head also, sister fuckers, huh [UI].*

ATHALE: ... We will reply proportionately... mother fucker. Hey listen, *do reply*, usurper, you want Khalistan...[beeping tone]...bastard, sister fucker... Do you want Khalistan? What has Pakistan done so far, has it pulled off its private part...of itself, huh? The beggars are saying that, sister fuckers, if Pakistan would not be there; it is just going to be fragmented into three/four parts, huh. Now you want Khalistan just sitting there. I will make you bald headed by catching each bunch of your hair, I will turn all of you into Gandhi ji from top to bottom, from both places, sister fuckers... *fuck you...* Alright, I have an *urgent delivery*. How shall I do it? *I am done*. Or should I speak back, mother fucker? ... I will fuck you there, huh.

ATHALE: [Singing] Bolt the door, beloved, I shall show you the heaven... sister fucker. That Pakistan has seen the heaven, huh; Allah-Allah, Allah-Allah, Allah-Allah, Patta-Bullah. Sister fucker... [UI] huh.

ATHALE: One day we shall catch Sikhs by their bunches of hair and *cut* their hair, sister fuckers; whosoever we get... mother fuckers...Tell me, your full bunch of hair... Even if one person talks about Khalistan, you want Khalistan, Khalistan, I shall give you, give you Khalistan, will put it in your mouth, usurper... Want Khalistan, huh? ... You want Khalistan? I will give you Khalistan, shall show you the full...

23. After receiving the voicemails, Individual 1 contacted her colleagues at Organization 1. Individual 1 wrote to her colleagues, "Team, sharing the very filthy and threatening message he left on my voicemail. Essentially saying that if we (Sikhs) want Khalistan that he will scalp us and kill us, it is very very profane."

24. Individual 1 understood that the voicemails from ATHALE included a threat to use physical force against Sikhs, including herself and her family, based on a hatred of the Sikh religion. Individual 1 also indicated that, due to her identity as a practicing Sikh, she would not willingly allow someone else to cut her hair, unless she were physically forced to do so against her will. As a result of the voicemails, Individual 1 feared for Individual 1's own safety, as well as for the safety of Individual 1's spouse, Individual 2, and other practicing Sikhs.

25. On the same day that Individual 1 received the voicemails, September 17, 2022, Individual 1 reported the voicemails to her local police department and expressed worry that the caller might be able to find her home address and harm her. Individual 1 told law enforcement officers that she had interpreted the voicemails as a threat of violence toward Sikhs. Since receiving the threatening voicemails, Individual 1 has increased her and her family's vigilance regarding personal safety, including closer monitoring of their surroundings and security devices.

26. Sometime after Individual 1 received the threatening voicemails from ATHALE, her spouse, Individual 2, also listened to the voicemails. Individual 2 expressed that the voicemails made him feel angry and worried for his safety, his family's safety, and the safety of the Sikh community, because he also understood these voicemails to contain a threat of physical force against Individual 1 and other Sikhs. Individual 2 also indicated that, due to

his identity as a practicing Sikh, he would not willingly allow someone else to cut his hair, unless he were physically forced to do so against his will.

27. After listening to the voicemails, Individual 2 considered additional ways that he could safeguard his home and protect his family, including Individual 1. For example, Individual 2 asked law enforcement officers if they could conduct additional patrolling around his home. Individual 2 also considered taking other security measures, including purchasing additional security devices or arranging protective weapons inside of his home.

ATHALE'S MARCH 2024 VOICEMAILS CONTAINING VIOLENT IMAGERY AND MESSAGES OF HATRED BASED ON RELIGION

28. On March 22, 2024, Organization 1 notified law enforcement officers that Organization 1 had received two threatening voicemails in the evening of March 21, 2024, from the same phone number that had left the threatening voicemails on September 17, 2022, which I know, based on my investigation, is ATHALE's phone number. These voicemails were spaced approximately three minutes apart.

29. A translation⁷ of ATHALE's March 21, 2024 voicemails reflects that ATHALE said the following:

⁷ Words that are italicized were in *Hindi* and words that are underlined were in Marathi.

Voicemail 1 – March 21, 2024

ATHALE: *Sons of bitch, [UI] Modi⁸ in his position should confiscate your entire property over there. I say that, brother Modi—huh—Modi ji—my lord Modi, seize the propert[ies] of these mother fuckers. Cancel their visas, etc. For these [people] with large vagina, they can go, make Khalistan in Canada. Son of a bitch, ha? One with big vagina, truck driver, cluster of hairs, when shall they return to India, catch them and beat their ass, beat it in a way, huh, every single vein--fuck these rascal's mothers. Sister fucker! Taak! Cluster of hairs! Fuckin Muslim! . . . Waheguru Khalsa. On your ass, you are with large vagina. Bring them in Maharashtra, put them in to the hands of Mumbai Police. We people will break their ass like this huh! [We] will fuck these rascal's, cluster of hair's mothers in sitting position. You with large vagina, sister fucker rascal, Sikh, usurper!*

Voicemail 2 – March 21, 2024

ATHALE: *Then, where are you creating it in Canada, Kannada brother? Huh! Khalistan! Are you creating it in Quebec [province], which one [province] are you creating as Khalistan? Ha? [clears throat] . . . While waking up and sleeping, sister fucker, on our RAW agents⁹--without a reason, ha? [You guys] commit unreasonable acts. Mother fuckers. In your own association, you smoke marijuana, kill each other. Beggars! Mother fuckers! You should come to Hindustan and create a Khalistan. Huh! In Canada, there is Quebec. Canada is such a huge [territory] and available, snow has fallen over there, create [Khalistan in] Kannada by melting a little bit of it over there. Ha! Create Khalistan over there itself. Ha? People with large vagina, sister fuckers!*

30. Law enforcement officers subsequently interviewed Individual 3, who worked at Organization 1 and had listened to the voicemails that ATHALE

⁸ In the context of this investigation, I understand that “Modi” is a reference to Narendra Modi, who is an Indian politician who has served as the Prime Minister of India since May 2014.

⁹ From my investigation, I have learned that the term “RAW Agents” likely is a reference to the Government of India’s Research & Analysis Wing, which handles India’s foreign intelligence.

left for Organization 1 on March 21, 2024. Individual 3 explained that he understood the caller to be expressing hatred for Sikhs and interfering with Individual 3's practice of the Sikh religion.

31. Individual 3 also noted that he previously had listened to the voicemails that were received by Individual 1 in September 2022. Individual 3 recalled that the September 2022 voicemails had discussed cutting and shaving Sikhs, and Individual 3 noted that he had found these voicemails to be threatening.

32. Individual 3 indicated that unshorn hair is an intricate part of his identity as a practicing Sikh, and he would not willingly allow someone else to cut his hair unless he was physically forced to do so against his will. Further, Individual 3 stated his belief that the voicemail threats that the caller had left for Individual 1 in September 2022 were not hypothetical, as the Sikhs' spiritual leader, Guru Gobind Singh, was scalped based on his practice of the Sikh religion, and Individual 3 knows of other people who have been killed based on their practice of the Sikh religion.

33. Since the time of the September 2022 threats received by Individual 1 at Organization 1, Organization 1 has taken steps to increase its employees' security. These steps include hiring consultants to remove certain information from the internet and exploring ways to secure the safety of employees traveling internationally to India.

**ADDITIONAL HISTORY OF ATHALE SENDING MESSAGES CONTAINING
VIOLENT IMAGERY AND HATRED BASED ON RELIGION**

34. In addition to his September 2022 threats against Individual 1, Individual 3, and other Sikhs at working at Organization 1, described above, ATHALE has a history of sending hate-fueled messages based on an individual's religious affiliation. For example, ATHALE previously worked remotely at Organization 2, until he was terminated in late 2021 for expressing religiously-hateful and violent messages toward his Muslim coworker, Individual 4, as described below.

35. On November 6, 2021 and November 7, 2021, ATHALE sent a series of emails to Individual 4. At the time, Individual 4 was living in Omaha, Nebraska. These emails included the following statements by ATHALE:

- "I hate Pakistan"
- "I hate Muslims"
- "I am not Marshall, but as an Indian I will love Pakistan to be crushed, but wait, India don't need war, because Jew will do it eventually, let's crush Pakistan financially [emoticon], Bangladeshi is making more money [emoticon]"

36. On November 6, 2021, ATHALE sent a series of written messages to Individual 4, using a professional networking site. The messages that ATHALE sent to Individual 4 on the professional networking site included the following statements by ATHALE:

- "You are a Muslim and a terrorist"
- "Muslim are Terrorist, I, had told you already"

- "1947 partisan [sic] because Muslim can't live in our Hindu country"¹⁰
- "India will positively bomb Pakistan"
- "I hate Muslim, go to Pakistan"
- "Muslim are living in my land on lease. I hate you, I just don't know how to kill your whole family including you? Tell me??? I will figure it out [...] Probably I will hire a Jew, they will be most happy."
- "I have allergies with Muslim"
- "Yes you have right to choose your religion in India, but in 1947 Muslim wanted another country which is Pakistan, Muslim has 57 country excessive for Muslim? What is wrong with only one Hindu country? Ask your self why Jews & Hindu don't have problems? Why western world doesn't have problems with Hindustan & why all religions has problems with ONLY Muslim?? Why?"

37. Individual 4 was later interviewed by law enforcement officers about the emails and other messages that he had received from ATHALE in November 2021. Individual 4 indicated that Individual 4 had worked with ATHALE and, in Individual 4's view, he had never had any problems with ATHALE prior to receiving the threatening messages. Individual 4 was scared by the messages that he received from ATHALE. Specifically, Individual 4 was scared for own safety and the safety of his family. Individual 4 also recalled that Individual 4's spouse had become afraid after learning about the messages that ATHALE sent to Individual 4. Individual 4's spouse reportedly had understood ATHALE's messages to contain threats to kill Individual 4's family.

¹⁰ Based on my investigation in this case, I believe that this is a reference to the Partition of 1947, which generally divided the region between Pakistan and India. As described above, as a result of the Partition, the Muslim-dominant areas of the region generally went to Pakistan and the Hindu-dominant areas of the region generally went to India.

38. Shortly after receiving the messages set forth above, Individual 4 blocked all communications from ATHALE. Nevertheless, telephone records reflect that, even after Individual 4 had blocked all communications from ATHALE, ATHALE continued trying to contact Individual 4. For example, telephone records reflect that ATHALE called Individual 4 approximately 6 times on January 12, 2022 and approximately 1 time on February 18, 2022. Records also reflect that ATHALE attempted to send Individual 4's email account approximately 345 messages via Multimedia Messaging Service (MMS) on January 12, 2022. ATHALE also sent approximately 1 MMS to Individual 4 on July 6, 2022, and approximately 1 MMS to Individual 4 on July 12, 2022.

39. On February 9, 2022, law enforcement officers telephonically interviewed ATHALE.¹¹ During the interview, ATHALE admitted to law enforcement officers that he knew Individual 4 from when they had both worked at Organization 2. ATHALE also told the officers that he "fucking hated Muslims." When the officers asked ATHALE why he hated Muslims, ATHALE stated that "Muslims ruined [his] country, India."

CONCLUSION

40. Based on the forgoing, I believe that there is probable cause that ATHALE has committed a violation of 18 U.S.C. § 875(c), by transmitting an

¹¹ This telephone interview was conducted after ATHALE had refused to answer the door when law enforcement officers arrived at his residence for an in-person interview. ATHALE subsequently called the law enforcement agency where the officers worked, and this call ultimately became a telephone interview.

interstate threat to injure, and a violation of 18 U.S.C. § 245(b)(2)(C), by threat of force, to willfully intimidate and interfere with, and attempt to intimidate and interfere with, a person because of her religion, namely Individual 1, a Sikh woman, and other Sikh individuals working at her place of employment, because of Individual 1 and her co-workers' religion and because they were and had been enjoying employment, and all perquisites thereof, by a private employer. ATHALE's conduct included the use of a dangerous weapon, *to wit*, a razor blade. Accordingly, I respectfully request that this Court issue a criminal complaint charging ATHALE with these crimes and a warrant for his arrest.

Pauline Pogorzelski
Pauline Pogorzelski
Special Agent
Federal Bureau of Investigation

Sworn and subscribed to me in accordance with the requirements of Fed. R. Crim. P. 4.1 via telephone on June 4, 2024.

Elizabeth A. Pascal
HON. ELIZABETH A. PASCAL
United States Magistrate Judge