

**U.S. District Court
United States District Court for the Southern District of New York (Foley
Square)
CIVIL DOCKET FOR CASE #: 1:05-cv-08256-RMB-DCF**

Rosa v. Westchester County Department of Corrections et al
Assigned to: Judge Richard M. Berman
Referred to: Magistrate Judge Debra C. Freeman
Lead case: [1:05-cv-08120-RMB](#)
Member case: [\(View Member Case\)](#)
Related Case: [1:05-cv-08120-RMB](#)
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/26/2005
Date Terminated: 03/12/2008
Jury Demand: Plaintiff
Nature of Suit: 555 Prisoner: Prison
Condition
Jurisdiction: Federal Question

Plaintiff

Julio Rosa

represented by **Julio Rosa**
176676
Westchester County Jail
P.O. Box 10
Valhalla, NY 10595
PRO SE

V.

Defendant

**Westchester County Department of
Corrections**
as a County Agency

Defendant

Commissioner Rocco Pozzi
individually

Defendant

Rocco Pozzi
*as commissioner of the Westchester
County Department of Corrections*

Defendant

Warden Anthony Amicucci
individually

Defendant

Warden Anthony Amicucci
*as the Senior Administrator of the
Westchester County Jail*

Defendant

Captain Orlando
individually

Defendant

Captain Orlando
*as the facility grievance coordinator of the
Westchester County Jail*

Date Filed	#	Docket Text
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09/26/2005	1	ENDORSEMENT on Declaration in Support of Request to Proceed In Forma Pauperis, I.F.P. REQUEST IS GRANTED. (Signed by Judge Michael B. Mukasey on 9/26/5) (laq,) (Entered: 09/28/2005)
09/26/2005	2	COMPLAINT against Westchester County Department of Corrections, Rocco Pozzi(individually), Rocco Pozzi commissioner of the Westchester County Department of Corrections), Anthony Amicucci(individually), Anthony Amicucci(as the Senior Administrator of the Westchester County Jail), Orlando(individually), Orlando(as the facility grievance coordinator of the Westchester County Jail). Document filed by Julio Rosa.(laq,) (Entered: 09/28/2005)
09/26/2005		Magistrate Judge Michael H. Dolinger is so designated. (laq,) (Entered: 09/28/2005)
10/12/2005		MEMORANDUM TO THE DOCKET CLERK: this case has been designated as one in which 7(2)(g)(2) of The Prisoner Litigation Reform Act (PLRA) applies. (dle,) (Entered: 10/14/2005)
10/28/2005	3	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial. Referred to Magistrate Judge Henry B. Pitman. (Signed by Judge Laura Taylor Swain on 10/5/05) (kco,) (Entered: 10/28/2005)
11/18/2005		Mailed notice to the attorney(s) of record. (jeh,) (Entered: 11/22/2005)
11/18/2005	4	NOTICE OF REASSIGNMENT OF A REFERRAL TO ANOTHER MAGISTRATE JUDGE. The referral in the above entitled action has been reassigned to Magistrate Judge Henry B. Pitman, for General Pretrial. (jeh,) (Entered: 11/22/2005)
11/22/2005	5	NOTICE OF CASE REASSIGNMENT to Judge Richard M. Berman. Judge Laura Taylor Swain no longer assigned to the case. (jeh,) (Entered: 11/30/2005)
11/29/2005	<u>6</u>	ORDER; that cases 05cv8120(RMB), 05cv8255 (RMB), 05cv8256(RMB), 05cv9226(RMB) are hereby consolidated. (Signed by Judge Richard M. Berman on 11/29/05) (pl,) (Entered: 11/30/2005)
11/29/2005		CONSOLIDATED MEMBER CASE: Case consolidated with 1:05-cv-8120. (pl,) (Entered: 11/30/2005)
12/22/2005	7	NOTICE OF CASE REASSIGNMENT to Judge Debra C. Freeman. Judge Henry B. Pitman no longer assigned to the case. (jeh,) (Entered: 12/23/2005)
12/22/2005		Mailed notice to the attorney(s) of record. (jeh,) (Entered: 12/23/2005)
12/23/2005		ENDORSED LETTER addressed to Magistrate Judge Henry B. Pitman from Charlene M. Indelicato dated 11/17/2005 re: to request an extension of time on the Rosa and Gonzalez motion to dismiss(The County of Westchester's timeto move is Monday November 21,2005) in the event the cases are not consolidated by Monday.ENDORSEMENT: Application Granted in 05civ8255 and 05civ8256. SO ORDERED. (Signed by Judge Henry B. Pitman on 11/18/2005) (Original Document Filed in case#05-8120 as document#6). (jmi,) (Entered: 12/28/2005)
01/10/2006	8	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED. Orlando(individually) served on 11/15/2005, answer due 12/5/2005; Orlando(as the facility grievance coordinator of the Westchester County Jail) served on 11/15/2005, answer due 12/5/2005. Service was accepted by Robert M. Orlando. Document filed by Julio Rosa. (lb,) (Entered: 01/11/2006)
01/10/2006	9	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED. Rocco Pozzi(individually) served on 11/16/2005, answer due 12/6/2005; Rocco Pozzi(as commissioner of the Westchester County Department of Corrections) served on 11/16/2005, answer due 12/6/2005. Service was accepted by Rocco A. Pozzi. Document filed by Julio Rosa. (lb,) (Entered: 01/11/2006)
01/10/2006	10	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED. Anthony Amicucci(individually) served on 11/16/2005, answer due 12/6/2005; Anthony Amicucci(as the Senior Administrator of the Westchester County Jail) served on 11/16/2005, answer due 12/6/2005. Service was accepted by Anthony P. Amicucci. Document filed by Julio Rosa. (lb,) (Entered: 01/11/2006)
09/15/2006	<u>11</u>	FILING ERROR – ELECTRONIC FILING IN NON-ECF CASE – MOTION to Dismiss. Document filed by Westchester County Department of Corrections, Rocco Pozzi, Anthony Amicucci, Orlando. Responses due by 10/31/2006 Return Date set for 11/14/2006 11:59 PM. (Attachments: # <u>1</u> Declaration of Christie L. Magno# <u>2</u> Notice of Exhibits# <u>3</u> Memorandum of Law In Support of Motion To Dismiss)Filed In Associated Cases: 1:05-cv-08120-RMB,1:05-cv-08255-RMB-DCF,1:05-cv-08256-RMB-DCF,1:05-cv-09226-RMB(Magistrate Judge Christie) Modified on 9/15/2006 (kg,). (Entered: 09/15/2006)
12/07/2006	<u>12</u>	REPLY AFFIRMATION of Christie Magno in Support re: <u>14</u> MOTION to Dismiss., <u>19</u> MOTION for Preliminary Injunction.. Document filed by Westchester County Department of Corrections, Rocco Pozzi, Anthony Amicucci, Orlando. (Attachments: # <u>1</u> Reply Memorandum of Law)Filed In Associated Cases: 1:05-cv-08120-RMB,1:05-cv-08255-RMB-DCF,1:05-cv-08256-RMB-DCF,1:05-cv-09226-RMB(Magistrate Judge Christie) Modified on 12/07/2006 (kg,). (Entered: 12/07/2006)

		Christie) (Entered: 12/07/2006)
11/08/2007	<u>13</u>	ENDORSED LETTER addressed to Judge Richard Berman from Christie L. Magno dated 11/8/07 re: Request that the scheduled conference on 12/10/07 at 9:30 a.m. be adjourned to 11:00 a.m. ENDORSEMENT: Adjourned to 11:00 a.m. on 12/10/07. Let's have everyone in person. Settlement Conference set for 12/10/2007 at 11:00 AM in Courtroom 14A, 500 Pearl Street, New York, NY 10007 before Judge Richard M. Berman. (Signed by Judge Richard M. Berman on 11/8/07) Filed In Associated Cases: 1:05-cv-08120-RMB, 1:05-cv-08255-RMB-DCF, 1:05-cv-08256-RMB-DCF, 1:05-cv-09226-RMB(db) (Entered: 11/08/2007)
01/22/2008	<u>14</u>	ADMINISTRATIVE ORDER: The Clerk of Court is respectfully requested to designate this case as related to the lead case in this matter, Perez v. Westchester County Department of Corrections, No. 05cv8120. (Signed by Judge Richard M. Berman on 1/22/08) (dle) (Entered: 01/22/2008)
01/22/2008		CONSOLIDATED MEMBER CASE: Create association to 1:05-cv-08120-RMB. (dle) (Entered: 01/22/2008)
01/22/2008		CASE ACCEPTED AS RELATED. Create association to 1:05-cv-08120-RMB. (kco) (Entered: 01/24/2008)
03/12/2008	<u>15</u>	ORDER OF SETTLEMENT, RELEASE AND STIPULATION OF DISCONTINUANCE: For reasons further set forth in said Order, this action is settled and discontinued with prejudice as against the County Defendants. See sections 1-2 for stipulations regarding the term "halal" as defined as any food in compliance with the Holy Qur'an. The Court retains discretion to accept any such case(s) as related. The Clerk is requested to close this case (LEAD CASE 05cv8120(RMB)) and ALL RELATED CASES. (Signed by Judge Richard M. Berman on 3/12/08) Filed In Associated Cases: 1:05-cv-08120-RMB et al.(db) (Entered: 03/12/2008)
03/12/2008	<u>16</u>	ENDORSED LETTER addressed to Judge Richard M. Berman from Richard B. Cohen dated 3/12/08 re: Request for the following briefing schedule - Plaintiff's petition for attorneys fees due 4/18/08; defendant's opposition due 5/9/08; reply due 5/23/08. ENDORSEMENT: Good job! Settlement has been so ordered. The Court also encourages settlement of the legal fees issue - - If that cannot occur, the enclosed briefing schedule is acceptable. SO ORDERED. (Signed by Judge Richard M. Berman on 3/12/08) Filed In Associated Cases: 1:05-cv-08120-RMB et al.(db) (Entered: 03/12/2008)
05/23/2008	<u>17</u>	MEMORANDUM OF LAW in Opposition re: (44 in 1:05-cv-08120-RMB) MOTION for Attorney Fees. Document filed by Westchester County Department of Corrections, Westchester County Department of Corrections, Westchester County Department of Corrections. Filed In Associated Cases: 1:05-cv-08120-RMB, 1:05-cv-08255-RMB-DCF, 1:05-cv-08256-RMB-DCF, 1:05-cv-09226-RMB, 1:05-cv-10462-RMB(pl) (Entered: 05/28/2008)
05/23/2008	<u>18</u>	DECLARATION of Christie L. Magno in Opposition to Application for payment of Attorney Fees to Fox Rothschild LLP. Document filed by Westchester County Department of Corrections, Westchester County Department of Corrections, Westchester County Department of Corrections, Westchester County Department of Corrections, Westchester County Department of Corrections. Filed In Associated Cases: 1:05-cv-08120-RMB et al.(pl) (Entered: 05/28/2008)