

2003 WL 22110438

Only the Westlaw citation is currently available.
United States District Court,
S.D. New York.

Thomas J. HIGGINS, Plaintiff,
v.
Christopher ARTUZ, et al., Defendants.
Thomas J. HIGGINS, Plaintiff,
v.
Philip COOMBE, et al., Defendants.

No. 94CV4810(RCC)LEAD, 95 CV 8696(RCC). |
Sept. 11, 2003.

Opinion

Memorandum & Order

CASEY, J.

*1 Plaintiff, *pro se* prisoner Thomas Higgins, brings these two lawsuits arising out of incidents at Green Haven Correctional Facility and pursuant to 42 U.S.C. § 1983.

Plaintiff has recently filed lengthy applications styled as motions for temporary restraining orders and preliminary injunctions. In these motions, one of which is thirty-three, single-spaced pages, Plaintiff devotes much effort to argue the validity of his conviction. The remainder is spent addressing allegations of harassment occurring in the recent past at Auburn Correctional Facility and Southport Correctional Facility. Moreover, these allegations do not concern any of the defendants in the present lawsuits. Plaintiff's motion to amend the complaint has been previously denied. Because there is no basis in these lawsuits for considering Plaintiff's allegations, Plaintiff's motions for temporary restraining orders and preliminary injunctions are denied as is Plaintiff's motion to amend his complaints.

Defendants represent that there are only three remaining claims as to five defendants in the two cases and that they do not intend to file any further motions. The parties are therefore directed to appear for status conference on October 10, 2003 so as to set a trial date and a date for pretrial submissions. At that time, the parties should inform the Court as to whether they consent to have the case tried by a Magistrate Judge.