

CASREF, CLOSED

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:94-cv-07942-MGC-NG**

Higgins v. Coombe, et al
Assigned to: Judge Miriam Goldman Cedarbaum
Referred to: Magistrate Judge Nina Gershon
Demand: \$200000
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 11/03/1994
Jury Demand: Both
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff**Thomas J. Higgins**

represented by **Thomas J. Higgins**
Attica Correctional Facility
(85-A-1106)
Attica, NY 14011-0149
PRO SE

V.

Defendant**Philip Coombe, Jr.**

*Acting Commissioner of the New York
State Department of Correctional
Services*

Defendant**Christopher Artuz**

*Superintendent of Green Haven
Correctional Facility*

represented by **Robert F. Bacigalupi**
120 Broadway
New York, NY 10271
(212)406-9686
LEAD ATTORNEY

Defendant**DR. Beckles**

*Physician at Green Haven Correctional
Facility*

represented by **Robert F. Bacigalupi**
(See above for address)
LEAD ATTORNEY

Defendant**D. Bliden**

*Deputy Superintendent of Programs at
Green Haven Correctional Facility*

represented by **Robert F. Bacigalupi**
(See above for address)
LEAD ATTORNEY

Defendant**Thomas A. Bushek**

*Deputy Superintendent of
Administration at Green Haven*

represented by **Robert F. Bacigalupi**
(See above for address)
LEAD ATTORNEY

*Correctional Facility Individually and
in their official capacities*

Date Filed	#	Docket Text
11/03/1994	1	Order endorsed on declaration and support of request to proceed in forma pauperis, granted ; (signed by Chief Judge Thomas P. Griesa) (jl) (Entered: 11/18/1994)
11/03/1994	2	PETITION for writ of Certiorari (jl) (Entered: 11/18/1994)
11/03/1994	3	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); (jl) (Entered: 11/18/1994)
11/03/1994		It is suggested that the case be classified as Unknown. Magistrate Judge Gershon is so Designated. (jl) (Entered: 11/18/1994)
11/25/1994	4	ORDER that case be referred to Case Processing Assistant for Assignment of a Magistrate Judge for General Pretrial. SO ORDERED: (signed by Judge Miriam G. Cedarbaum) (ae) (Entered: 11/28/1994)
11/25/1994		NOTICE OF CASE ASSIGNMENT to Magistrate Judge Nina Gershon endorsed on order of reference to Magistrate Judge. Referred for General Pretrial. (ae) (Entered: 11/28/1994)
02/28/1995	5	ACKNOWLEDGEMENT OF SERVICE as to Philip Coombe Jr. by mail on 1/27/95 (kk) (Entered: 03/06/1995)
02/28/1995	5	ACKNOWLEDGEMENT OF SERVICE as to Christopher Artuz by mail on 2/21/95 (kk) (Entered: 03/06/1995)
02/28/1995	5	ACKNOWLEDGEMENT OF SERVICE as to DR. Beckles by mail on 2/2/95 (kk) (Entered: 03/06/1995)
02/28/1995	5	ACKNOWLEDGEMENT OF SERVICE as to D. Bliden by mail on 2/7/95 (kk) (Entered: 03/06/1995)
02/28/1995	5	ACKNOWLEDGEMENT OF SERVICE as to Thomas A. Bushek by mail on 2/3/95 (kk) (Entered: 03/06/1995)
02/28/1995	6	NOTICE of change of address of pro-se plttf. by Thomas J. Higgins (ls) (Entered: 03/08/1995)
03/09/1995	7	Filed Memo_Endorsement on letter by Donna Pardini to Magistrate Judge Gershon dated 3/3/95, Reset answer due for 5/22/95 for Thomas A. Bushek, for D. Bliden, for DR. Beckles, for Christopher Artuz, for Philip Coombe Jr. (signed by Magistrate Judge Nina Gershon) (ae) (Entered: 03/10/1995)
03/10/1995	8	ORDER, answer due for 2/24/95 for Thomas A. Bushek, for D. Bliden, for DR. Beckles, for Christopher Artuz (signed by Judge Miriam G. Cedarbaum); Copies mailed (cd) (Entered: 03/13/1995)
03/17/1995	9	NOTICE OF MOTION by Thomas J. Higgins for default judgment

		against Philip Coombe Jr. , and for appointment of counsel Return date not indicated. (lam) (Entered: 03/21/1995)
05/22/1995	10	AFFIDAVIT in support of Angela M. Cartmill (pl) (Entered: 05/25/1995)
06/07/1995	12	Letter filed by Christopher Artuz, DR. Beckles, D. Bliden, Thomas A. Bushek dated 5/2/95 re: continuance of this action for 90 days and.... (dktd. & fld. as per instr. of chambers on 6/7/95 (pl) (Entered: 06/12/1995)
06/08/1995	11	ORDER, defts' motion for an order purs. to 42 USC 1997e requiring plttf to exhaust his administrative remedies before proceeding with this action is denied. (signed by Judge Miriam G. Cedarbaum); Copies mailed (kg) (Entered: 06/12/1995)
06/19/1995	14	NOTICE of CHANGE OF ADDRESS by Thomas J. Higgins (pl) (Entered: 06/26/1995)
06/20/1995	13	ANSWER to Complaint by Christopher Artuz, DR. Beckles, D. Bliden, Thomas A. Bushek (Attorney Robert F. Bacigalupi), ; Firm of: Dennis C. Vacco by attorney Robert F. Bacigalupi for defendant Thomas A. Bushek (dj) (Entered: 06/22/1995)
07/28/1995	16	AMENDED ANSWER to Complaint by Philip Coombe Jr., Christopher Artuz, DR. Beckles, D. Bliden, Thomas A. Bushek : amends [13-1] answer; jury demand (lam) (Entered: 08/03/1995)
07/31/1995	15	ORDER denying [9-2] motion for appointment of counsel (signed by Judge Miriam G. Cedarbaum); Copies mailed (cd) (Entered: 08/02/1995)
08/03/1995	17	ORDER denying [9-1] motion for default judgment against Philip Coombe Jr. (signed by Judge Miriam G. Cedarbaum); Copies mailed (cd) (Entered: 08/07/1995)
08/21/1995	20	NOTICE OF APPEAL by Thomas J. Higgins ; from [17-1] order . Copies of notice of appeal mailed to Attorney(s) of Record: NYS Atty. General. (as) (Entered: 11/17/1995)
08/31/1995	18	ORDER, reset discovery due for 11/29/95 , set dispositive motion filing deadline for 12/29/95 (signed by Magistrate Judge Nina Gershon); Copies mailed (emil) (Entered: 09/07/1995)
10/25/1995	19	ORDER, denying plntf motion for default judgment against deflt Coombe (signed by Judge Miriam G. Cedarbaum); Copies mailed (cd) (Entered: 10/27/1995)
11/17/1995		Notice of appeal and certified copy of docket to USCA: [20-1] appeal by Thomas J. Higgins ; Copy of notice of appeal sent to District Judge. (as) (Entered: 11/17/1995)
11/17/1995	21	Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [20-1] appeal by Thomas J. Higgins (rag) (Entered: 12/01/1995)
11/30/1995	23	Letter filed dated 11/22/95 re New Schedule (rag) (Entered: 12/08/1995)

11/30/1995	23	ENDORSEMENT on letter dated 11/22/95 setting Discovery cutoff 12/29/95 ; Deadline for filing of all motions 1/29/96 ; (signed by Magistrate Judge Nina Gershon) ; Copies mailed (rag) (Entered: 12/08/1995)
11/30/1995	24	Letter filed by Thomas J. Higgins dated 11/6/95 re Extension of Time (see document #23) (rag) (Entered: 12/08/1995)
12/01/1995	22	ORDER, GRANTING LEAVE FOR THE TAKING OF THE DEPOSITION OF A PRISONER ... that the deposition upon oral examination of plaintiff Thomas J. Higgins be taken at Sing Sing correctional Facility on December 5, 1995.... (signed by Judge Miriam G. Cedarbaum) ; Copies mailed (djc) (Entered: 12/08/1995)
01/12/1996	25	Filed Memo_Endorsement on letter dated 1/9/96, discovery due for 1/12/96 (signed by Magistrate Judge Nina Gershon) (cd) (Entered: 01/17/1996)
01/23/1996	26	MANDATE OF USCA (certified copy) Re: [20-1] appeal by Thomas J. Higgins : This court having determined sua sponte that it lacks jurisdiction over this appeal because a final order has not been issued by the district court as contemplated by 28 USC sec. 1291, it is ordered that said appeal be and it hereby is dismissed. [95-2752] GEORGE LANGE, III, Clerk, USCA. (as) (Entered: 01/23/1996)
01/29/1996	27	NOTICE OF MOTION by Philip Coombe Jr., Christopher Artuz, DR. Beckles, D. Bliden, Thomas A. Bushek for summary judgment in defendants' favor on the ground that there is not genuine issue as to any material facts and defendants are entitled to judgment as a matter of law. , Return date (ae) (Entered: 02/02/1996)
01/29/1996	28	MEMORANDUM OF LAW by Philip Coombe Jr., Christopher Artuz, DR. Beckles, D. Bliden, Thomas A. Bushek in support of [27-1] motion for summary judgment in defendants' favor on the ground that there is not genuine issue as to any material facts and defendants are entitled to judgment as a matter law. (ae) (Entered: 02/02/1996)
05/22/1996	29	AFFIRMATION of Thomas Higgins by Thomas J. Higgins in opposition to Re: [27-1] motion for summary judgment in defendants' favor on the ground that there is not genuine issue as to any material facts and defendants are entitled to judgment as a matter of law. (ae) (Entered: 05/24/1996)
09/04/1996	30	MEMORANDUM OPINION AND ORDER # 77220 granting [27-1] motion for summary judgment in defendants' favor on the ground that there is not genuine issue as to any material facts and defendants are entitled to judgment as a matter of law. ...So Ordered.....(Signed by Judge Miriam G. Cedarbaum) (pl) (Entered: 09/05/1996)
04/11/1997	31	MEMORANDUM by Philip Coombe Jr., Christopher Artuz, DR. Beckles, D. Bliden, Thomas A. Bushek in SUPPORT of [27-1] motion for summary judgment in defendants' favor on the ground that there is not genuine issue as to any material facts and defendants are entitled to

		judgment as a matter of law. (lam) (Entered: 04/15/1997)
04/11/1997	32	NOTICE OF MOTION by Philip Coombe Jr., Christopher Artuz, DR. Beckles, D. Bliden, Thomas A. Bushek for an order, purs to Rule 56 of the FRCP, granting summary judgment. Return date 5/9/97. (lam) (Entered: 04/15/1997)
04/11/1997	32	Rule 3(g) statement filed by Philip Coombe Jr., Christopher Artuz, DR. Beckles, D. Bliden, Thomas A. Bushek (lam) (Entered: 04/15/1997)
04/11/1997	32	AFFIDAVIT of Dr. Norman H. Selwin, Acting Medical Dir. of Green Haven Corr. Fac. for Philip Coombe Jr., Christopher Artuz, DR. Beckles, D. Bliden, Thomas A. Bushek in SUPPORT of [32-1] motion for an order, purs to Rule 56 of the FRCP, granting summary judgment. (lam) (Entered: 04/15/1997)
03/13/1998		Terminated document 32-1 as per instructions of Judge Cedarbaum dated 03/13/98. (rag) (Entered: 03/16/1998)
03/13/1998	33	MEMORANDUM OPINION AND ORDER #80255, defendants' motion for summary judgment is granted (Signed by Judge Miriam G. Cedarbaum); Copies mailed; sent orig. to J.C. on 3/16/98 (ae) (Entered: 03/16/1998)
03/16/1998	34	JUDGMENT, that for the reasons stated in the Court's Memorandum Opinion (80255) and Order of 3/11/98, def't's motion for summary judgment is granted (James M. Parkison, Clerk of Court); Mailed copies and notice of right to appeal. (cd) (Entered: 03/17/1998)
03/16/1998		Case closed (cd) (Entered: 03/17/1998)
03/16/1998	35	Letter filed to Judge Cedarbaum by Thomas J. Higgins dated 5/23/95 re respnse to def't motion of 5/2/95 (cd) (Entered: 03/19/1998)
03/16/1998	36	Letter filed to Judge Cedarbaum by R. Bacigalupi, dated 7/28/95 re possible default (cd) (Entered: 03/19/1998)
03/16/1998	37	Letter to Judge Cedarbaum from R. Cardinal dated 3/14/98 re supplemental motion for summary judgment (cd) (Entered: 03/19/1998)
03/16/1998	38	Letter filed to Thomas J. Higgins, from Chambers dated 7/1/97 re no response to def't summary jgm motion (cd) (Entered: 03/19/1998)
03/16/1998	39	Letter filed to Judge Cedarbaum by Philip Coombe Jr. dated 5/19/97 re no response to their sum jgm motion (cd) (Entered: 03/19/1998)
03/16/1998	40	Letter filed to Judge Cedarbaum by Philip Coombe Jr. dated 9/9/97 re no response to their sum jgm motion (cd) (Entered: 03/19/1998)

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