

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:03-cv-07664-DAB**

Shariff v. Goord, et al
Assigned to: Judge Deborah A. Batts
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/29/2003
Date Terminated: 08/29/2005
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Abdul Shariff

represented by **Abdul Shariff**
(90-A-2895)
Arthur Kill Correctional Facility
2911 Arthur Kill Road
Staten Island, NY 10309
PRO SE

Plaintiff

Jose Torres

represented by **Jose Torres**
PRO SE

Plaintiff

Divine Allah

represented by **Divine Allah**
PRO SE

Plaintiff

James West

represented by **James West**
PRO SE

V.

Defendant

Glenn S. Goord
*Commissioner of the Department of
Correctional Services*

represented by **Donald Nosve**
Eliot Spitzer,
Atty General of the State of NY
120 Broadway
New York, NY 10271
212-416-8227
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

William E. Phillips
*Acting Superintendent of Green Haven
Correctional Facility*

represented by **Donald Nosve**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

M.D. Carl J. Koenigsmann
*Medical Director of Green Haven
Correctional Facility*

represented by **Donald Nosve**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

**New York State Department of
Correctional Service**

Individually and in their official capacities
TERMINATED: 01/30/2004

Defendant

State of New York
TERMINATED: 01/30/2004

Defendant

Doctor Robert Macomber
Physician Assistant at Five Points CF

represented by **Donald Nosve**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

RN David Goodwin
Assistant Nurse Administrator at Five Points CF

represented by **Donald Nosve**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

RN Nancy Conner
Nurse Administrator at Five Points CF

represented by **Donald Nosve**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

M.D. Samuel Stornelli
Physician at Five Points CF

represented by **Donald Nosve**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

M.D. Dobies
former Medical Director at Five Points CF

represented by **Donald Nosve**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

M.D. Peter Gregoire
Medical Director at Five Points CF

represented by **Donald Nosve**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

William Mazzuca
Superinterndent of Fishkill C.F.

represented by **Donald Nosve**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Donna Masterson
*Americans with Disabilities Act
Coordinator, for the Department of
Corrections*

represented by **Donald Nosve**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Deputy Commissioner Stephen Bernardi
Deputy Commissioner of Policy and

represented by **Donald Nosve**
(See above for address)
LEAD ATTORNEY

Compliance Review, for the Department of
Correctional Services

ATTORNEY TO BE NOTICED

Defendant

M.D., M.P.H. Lester N. Wright
Associate Commissioner/Chief Medical
Officer, for the Department of
Correctional Services

represented by **Donald Nosve**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/29/2003	1	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS by Abdul Shariff . (gf) (Entered: 10/02/2003)
09/29/2003	2	APPLICATION by Abdul Shariff for the Court to request counsel . (gf) (Entered: 10/02/2003)
09/29/2003	3	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); Reply required under Prison Litigation Reform Act Section 7(2)(g)(2). (gf) (Entered: 10/02/2003)
09/29/2003		Magistrate Judge Henry B. Pitman is so designated. (gf) (Entered: 10/02/2003)
10/10/2003	4	INITIAL ORDER, regarding the the initial instruction to pro se plaintiff . (signed by Judge Deborah A. Batts); (kw) (Entered: 10/14/2003)
10/24/2003	5	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling discovery, non-dispositive motions, and settlement). Referred to Magistrate Judge Henry B. Pitman. (signed by Judge Deborah A. Batts) (sac) (Entered: 10/29/2003)
01/30/2004	6	AMENDED COMPLAINT amending 3 PLRA Sec. 7(2)(g)(2) Complaint against Robert Macomber, David Goodwin, Nancy Conner, Samuel Stornelli, Dobies, Peter Gregoire, William Mazzuca, Donna Masterson, Stephen Bernardi, Lester N. Wright, Glenn S. Goord, Carl J. Koenigsmann, William E. Phillips. Document filed by Jose Torres, Divine Allah, James West. Related document: 3 PLRA Sec. 7(2)(g)(2) Complaint.(jco,) (Entered: 02/06/2004)
02/20/2004	7	AMENDED SUMMONS ISSUED as to Stephen Bernardi, Nancy Conner, Dobies, David Goodwin, Glenn S. Goord, Peter Gregoire, Carl J. Koenigsmann, Robert Macomber, Donna Masterson, William Mazzuca, New York State Department of Correctional Service, William E. Phillips, State of New York, Samuel Stornelli, Lester N. Wright on February 20, 2004. (jw,) (Entered: 03/17/2004)
05/04/2004	8	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Amended Complaint, served. Donna Masterson served on 4/26/2004, answer due 5/17/2004. Service was accepted by Donna Masterson. Document filed by Divine Allah ; Abdul Shariff ; Jose Torres ; James West. (db,) (Entered: 05/05/2004)
05/04/2004	9	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Amended Complaint, served. David Goodwin served on 4/27/2004, answer due 5/17/2004. Service was accepted by personal service. Document filed by Divine Allah ; Abdul Shariff ; Jose Torres ; James West. (jco,) (Entered: 05/05/2004)
05/04/2004	10	ACKNOWLEDGEMENT OF SERVICE. Donna Masterson served on 4/26/2004, answer due 5/17/2004. Service was accepted by Donna Masterson. Document filed by Divine Allah ; Abdul Shariff ; Jose Torres ; James West. (db,) (Entered: 05/05/2004)
05/04/2004	11	ACKNOWLEDGEMENT OF SERVICE. Glenn S. Goord served on 4/26/2004, answer due 5/17/2004. Service was accepted by William Gonzalez. Document filed by Divine Allah ; Abdul Shariff ; Jose Torres ; James West. (dj,) (Entered: 05/05/2004)

05/04/2004	12	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Amended Complaint, served. Peter Gregoire served on 4/26/2004, answer due 5/17/2004. Service was accepted by J. Peter Gregoire. Document filed by Divine Allah ; Abdul Shariff ; Jose Torres ; James West. (db,) (Entered: 05/05/2004)
05/04/2004	13	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED. Robert Macomber served on 4/27/2004, answer due 5/17/2004. Service was accepted by Robert Macomber. Document filed by Divine Allah ; Abdul Shariff ; Jose Torres ; James West. (dle,) (Entered: 05/05/2004)
05/04/2004	14	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED. William Mazzuca served on 4/23/2004, answer due 5/13/2004. Service was accepted by William Mazzuca. Document filed by Divine Allah ; Abdul Shariff ; James West. (dle,) (Entered: 05/05/2004)
05/04/2004	15	ACKNOWLEDGEMENT OF SERVICE of summons and complaint. Nancy Conner served on 4/27/2004, answer due 5/17/2004. Service was accepted by personal service. Document filed by Abdul Shariff. (djc,) (Entered: 05/05/2004)
05/10/2004	16	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE UNEXECUTED as to Dobies. Attempted Service of Summons and Amended Complaint,. Service was attempted on 05/04/04. Document filed by Divine Allah, Abdul Shariff, Jose Torres, James West. (djc,) (Entered: 05/11/2004)
05/10/2004	17	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and PLRA Sec. 7(2)(g)(2) Complaint served. Samuel Stornelli served on 5/3/2004, answer due 5/24/2004. Service was made by mail. Document filed by Divine Allah ; Abdul Shariff ; Jose Torres ; James West. (yv,) (Entered: 05/11/2004)
05/13/2004	18	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Amended Complaint served. Stephen Bernardi served on 5/7/2004, answer due 5/27/2004. Service was accepted by William M. Gonzalez, Deputy Counsel. Document filed by Abdul Shariff. (jco,) (Entered: 05/14/2004)
05/13/2004	19	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and PLRA Sec. 7(2)(g)(2) Complaint served. Lester N. Wright served on 5/3/2004, answer due 5/24/2004. Service was made by Mail. Document filed by Divine Allah ; Abdul Shariff ; Jose Torres ; James West. (yv,) (Entered: 05/14/2004)
05/25/2004	20	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Amended Complaint, served. Carl J. Koenigsmann served on 5/6/2004, answer due 5/26/2004. Service was accepted by Carl Koenigsmann. Document filed by Divine Allah ; Abdul Shariff ; Jose Torres ; James West. (db,) (Entered: 05/26/2004)
05/25/2004	21	SUMMONS RETURNED EXECUTED Summons and Amended Complaint, served. Carl J. Koenigsmann served on 5/6/2004, answer due 5/26/2004. Service was accepted by Carl Koenigsmann. Document filed by Divine Allah ; Abdul Shariff ; Jose Torres ; James West. (db,) (Entered: 05/26/2004)
05/25/2004	22	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Amended Complaint, served. William E. Phillips served on 5/7/2004, answer due 5/27/2004. Service was accepted by William E. Phillips. Document filed by Divine Allah ; Abdul Shariff ; Jose Torres ; James West. (db,) (Entered: 05/26/2004)
05/25/2004	23	SUMMONS RETURNED EXECUTED Summons and Amended Complaint, served. William E. Phillips served on 5/7/2004, answer due 5/27/2004. Service was accepted by William E. Phillips. Document filed by Divine Allah ; Abdul Shariff ; Jose Torres ; James West. (db,) (Entered: 05/26/2004)
08/13/2004	24	ENDORSED LETTER addressed to Judge Pitman from Donald Nowve dated 8/2/04: defts' time to answer or move with respect to the amended complaint is extended to 9/30/04. Any challenge to the former facial adequacy of the Amended Complaint should be made by formal motion. (Signed by Judge Henry B. Pitman

		on 8/9/04) (cd,) (Entered: 08/16/2004)
08/31/2004	25	MEMORANDUM OPINION anbd ORDER # 90578 re: Denying without prejudice to renewal 2 Application for Court to Request Counsel; Any renewed motion should be accompanied by an affidavit that specifically addresses the relevant factors set forth herein and provides detaails sufficient to establish that the foregoing factors are satisfied. (Signed by Judge Henry B. Pitman on 08/27/04) copy mailed by chambers.(djc,) (Entered: 09/01/2004)
09/27/2004	26	ENDORSED LETTER addressed to Mag. Jude Henry B. Pitman from Donald Nowve dated 09/23/04 re: defendants' time to respond to the Amended complaint by Answer or motion is extended up to and including October 21, 2004; (Signed by Judge Henry B. Pitman on 09/24/04) (djc,) (Entered: 09/28/2004)
09/30/2004	27	MEMORANDUM OF LAW in Support of Plaintiffs' Motion for Preliminary Injunction. Document filed by Divine Allah, Jose Torres, James West. (djc,) (Entered: 10/13/2004)
09/30/2004	28	MOTION for Preliminary Injunction as set forth. Document filed by Divine Allah, Jose Torres, James West. Attached are affidavits in support. (djc,) (Entered: 10/13/2004)
10/15/2004	29	MEMORANDUM OPINION AND ORDER # 7664; that in light of an additional submission made by plaintiffs, I hereby vacate my Memorandum Opinion and Order dated 8/27/04 and direct that this caee be added to the list of cases considered by the Pro Bono Panel. (Signed by Judge Henry B. Pitman on 10/6/04) (pl,) Modified on 10/20/2004 (pl,). (Entered: 10/20/2004)
10/20/2004	30	ENDORSED LETTER addressed to Judge Henry Pitman from Donald Nowve dated 10/15/04 re: request a further extension of time, until 11/10/04, to respond to the pro se amended complaint (AC). Application Granted. Responses due by 11/10/2004 (Signed by Judge Henry B. Pitman on 10/18/04) (dfe,) (Entered: 10/25/2004)
11/10/2004	31	ENDORSED LETTER addressed to Magistrate Judge Henry Pitman from Donald Nowve dated 11/8/04 re: defendants request a further extension of time until 11/15/04 to respond to the pro se amended complaint. The application is granted. But counsel is reminded that Affidavits cannot be considered in connection with a 12(b)(6) motion. (Signed by Judge Henry B. Pitman on 11/9/04) (sac,) (Entered: 11/11/2004)
11/10/2004		Set Answer Due Date purs. to 31 Endorsed Letter, as to Stephen Bernardi answer due on 11/15/2004; Nancy Conner answer due on 11/15/2004; Dobies answer due on 11/15/2004; Glenn S. Goord answer due on 11/15/2004; Peter Gregoire answer due on 11/15/2004; Carl J. Koenigsmann answer due on 11/15/2004; Robert Macomber answer due on 11/15/2004; Donna Masterson answer due on 11/15/2004; William Mazzuca answer due on 11/15/2004; William E. Phillips answer due on 11/15/2004; Samuel Stornelli answer due on 11/15/2004; Lester N. Wright answer due on 11/15/2004. (sac,) (Entered: 11/11/2004)
11/29/2004	32	ENDORSED LETTER addressed to Magistrate Judge Henry B. Pitman from Donald Nowve dated 11/22/04 re: counsel for dfts reuquest that their time to respond to the AC by motion to dismiss be further extended up to and including 12/1/04. Application granted. (Signed by Judge Henry B. Pitman on 11/27/04) (dle,) (Entered: 12/01/2004)
11/29/2004		Set/Reset Deadlines: Motions due by 12/1/2004. (dle,) (Entered: 12/01/2004)
11/29/2004	33	ENDORSED LETTER addressed to Magistrate Judge Henry Pitman from Donald Nowve dated 11/15/04 re: granting defendants' extension of time until 11/19/04 to respond to the pro se amended complaint. (Signed by Judge Henry B. Pitman on 11/15/04) (sac,) (Entered: 12/01/2004)
12/01/2004	34	NOTICE OF MOTION to Dismiss Amended complt.. attached Local rule 56.2. attached declaration of Donald Nowve in support.. Document filed by Stephen Bernardi, Nancy Conner, Dobies, David Goodwin, Glenn S. Goord, Peter Gregoire, Carl J. Koenigsmann, Robert Macomber, Donna Masterson, William Mazzuca, William E. Phillips, Samuel Stornelli, Lester N. Wright. (pa,) (Entered: 12/01/2004)

		12/02/2004)
12/01/2004	35	MEMORANDUM OF LAW in Support re: 34 MOTION to Dismiss.. Document filed by Stephen Bernardi, Nancy Conner, Dobies, David Goodwin, Glenn S. Goord, Peter Gregoire, Carl J. Koenigsmann, Donna Masterson, William Mazzuca, William E. Phillips, Samuel Stornelli, Lester N. Wright. (pa,) (Entered: 12/02/2004)
02/07/2005	36	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Dispositive Motio: summary judgment. Referred to Magistrate Judge Henry B. Pitman. (Signed by Judge Deborah A. Batts on 1/27/05) (db,) (Entered: 02/14/2005)
02/15/2005	37	ENDORSED LETTER addressed to Magistrate Judge Pitman from Donald Nowve dated 1/26/2005 re: defendants request for an extension of time up to and including 2/28/2005 to file their reply brief in further support of their motion to dismiss the complaint is granted. (Signed by Judge Henry B. Pitman on 2/7/2005) (jsa,) (Entered: 02/17/2005)
02/15/2005		Set/Reset Deadlines: Replies due by 2/28/2005. (jsa,) (Entered: 02/17/2005)
02/22/2005	38	MEMORANDUM OF LAW in Support re: 34 MOTION to Dismiss.. Document filed by Glenn S. Goord, William E. Phillips, Carl J. Koenigsmann, Robert Macomber, David Goodwin, Nancy Conner, Samuel Stornelli, Dobies, Peter Gregoire, William Mazzuca, Donna Masterson, Stephen Bernardi, Lester N. Wright. (dle,) (Entered: 02/25/2005)
02/25/2005	39	ENDORSED LETTER addressed to Judge Henry Pitman from Donald Nowve dated 2/23/05 re: Counsel for defendants writes to request a extension of time until 3/28/05 to submit their reply brief in further support of their motion to dismiss the pro se amended complaint. Application Granted. No further extensions. So Ordered. (Signed by Judge Henry B. Pitman on 2/24/05) (jco,) (Entered: 03/04/2005)
02/25/2005		Set Deadlines/Hearings: Reply Brief due by 3/28/2005. (jco,) (Entered: 03/04/2005)
03/28/2005	40	REPLY MEMORANDUM OF LAW in Support of re: 34 MOTION to Dismiss. Document filed by Glenn S. Goord, William E. Phillips, Carl J. Koenigsmann, Robert Macomber, David Goodwin, Nancy Conner, Samuel Stornelli, Dobies, Peter Gregoire, William Mazzuca, Donna Masterson, Stephen Bernardi, Lester N. Wright. (kw,) (Entered: 04/04/2005)
04/01/2005	41	ORDER that the referral to Mag Judge Pitman, made on 1/27/05, for a dispositive moton is hereby closed. (Signed by Judge Deborah A. Batts on 3/25/05) (cd,) (Entered: 04/05/2005)
04/01/2005		Judge Henry B. Pitman no longer assigned to case. (cd,) (Entered: 04/05/2005)
04/18/2005	42	RESPONSE to re: 40 Reply Memorandum of Law in Support of Motion. Document filed by Abdul Shariff, Jose Torres, Divine Allah, James West. (kw,) (Entered: 04/25/2005)
08/26/2005	<u>43</u>	ORDER re: 34 MOTION to Dismiss. filed by William Mazzuca,, William E. Phillips,, Glenn S. Goord,, Robert Macomber,, Lester N. Wright,, Carl J. Koenigsmann,, Stephen Bernardi,, Donna Masterson,, Peter Gregoire,, Dobies,, Samuel Stornelli,, Nancy Conner,, David Goodwin,. For the reasons further set forth in this Order, defendants' motion to dismiss the case in its entirety for improper venue is denied. Defendants' motion to dismiss claims of plaintiffs Shariff and Allah seeking injunctive relief in the Southern District of NY is granted. Defendants' motion to transfer venue to the Western District of NY is granted. The Clerk of the Court is directed to tranfer the entire remaining action the the Western District of NY (Signed by Judge Deborah A. Batts on 8/25/05) (yv,) (Entered: 08/29/2005)
08/26/2005	44	MEMORANDUM AND ORDER; For the reasons stated herein, Defendants' motion to dismiss the case in its entirety for improper venue is denied. Defendants' motion to dismiss claims of Plaintiffs Shariff and Allah seeking injunctive relief in

		the SDNY is Granted. Defendants' motion to transfer venue to the Western District of NY is Granted. The Clerk of the Court is directed to transfer the entire remaining action to the Western District of NY. (Signed by Judge Deborah A. Batts on 8/25/05) (djc,) (Entered: 08/30/2005)
08/29/2005		CASE TRANSFERRED OUT from the U.S.D.C. Southern District of New York to the United States District Court – Western District of New York. Sent original file along with documents numbered 1–43, certified copy of docket entries and transfer order. Mailed via Federal Express AIRBILL # 8527 1452 1430 on 9/5/05. (yv,) (Entered: 08/29/2005)
06/19/2006	45	PRO SE MEMORANDUM dated 6/19/2006 re: CHANGE OF ADDRESS for Abdul Shariff. New Address: (90–A–2895), Wyoming Correctional Facility, P.O. Box 501, Attica, NY, 14011. (jar,) (Entered: 06/27/2006)
10/29/2008	46	PRO SE MEMORANDUM dated 10/27/08 re: CHANGE OF ADDRESS for Abdul Shariff. New Address: 90–A–2895, Arthur Kill Correctional Facility, 2911 Arthur Kill Road, Staten Island, NY, 10309. (tro) (Entered: 10/29/2008)