

13 Fed.Appx. 20

This case was not selected for publication in the
Federal Reporter.
United States Court of Appeals,
Second Circuit.

Kelvin DANIELS, Poseidon Baskin, Djibril Toure,
Hector Rivera, Raymond Ramirez, Kahil
Shkymba, Bryan Stair, Tiara Bonner, Theron
McConneyhead, and Horace Rogers, individually
and on behalf of a class of all others similarly
situated, Plaintiffs–Appellees,

v.

The CITY OF NEW YORK, Rudolph Giuliani,
Mayor, Howard Safir, New York City Police
Commissioner, City Police Officers John Does
1–500, and Anthony Curtin, New York City Police
Officer, in their individual and official capacities,
Defendants–Appellants,
Peter Mante, New York City Police Sergeant;
Walter Doyle, New York City Police Officer, in
their individual and official capacities,
Defendants.

No. 01–7469. | June 12, 2001.

Appeal from an order of the United States District Court
for the Southern District of New York, Shira A.
Scheindlin, Judge, certifying plaintiffs’ class.

Attorneys and Law Firms

*21 Gail Donoghue; Michael D. Hess, Heidi Grossman,
Linda Donahue, Kristin Branson, Alan G. Krams, Scott
Shorr, of counsel, Corporation Counsel of the City of
New York, New York, NY, for appellants.

Jonathan C. Moore, Law Offices of Jonathan C. Moore,
Nancy Chang, William H. Goodman, Center for
Constitutional Rights, Adam D. Gale, Jennifer R. Cowan,
Charles P. Reichmann, Jonathan Boyarin, Alison L.
LaCroix, Debevoise & Plimpton, Robert F. Van Lierop,
Van Lierop, Burns & Bassett, New York, NY, for
appellees.

Present CABRANES, STRAUB and SACK, Circuit
Judges.

Opinion

SUMMARY ORDER

UPON DUE CONSIDERATION, IT IS HEREBY
ORDERED, ADJUDGED, AND DECREED that the
order, granting defendants’ petition for leave to appeal
and staying discovery, is VACATED; the present appeal
is therefore DISMISSED.

Plaintiffs brought this action on behalf of themselves and
all others similarly situated for alleged constitutional
violations by a unit of the New York City Police
Department known as the Street Crime Unit. In a January
25, 2001 opinion and order, the District Court granted
plaintiffs’ motion to certify a class for injunctive and
declaratory relief. *See Daniels v. City of N.Y.*, 198 F.R.D.
409 (S.D.N.Y.2001).

On March 26, 2001, defendants filed a petition with this
Court for leave to appeal the District Court’s certification
order. In a May 1, 2001 order, we granted this petition
and stayed discovery until further notice by this Court.
Subsequently, we modified the order to stay discovery of
only an unredacted version of a police database known as
the UF–230 Database.

Upon due reflection and a full consideration of the merits
of this appeal, we hold that the May 1, 2001 order
granting defendants’ petition for leave to appeal and
staying discovery was improvidently granted.
Accordingly, we VACATE this order. *Cf. Rezzonico v. H
& R Block, Inc.*, 182 F.3d 144, 149 (2d Cir.1999) (holding
that the law-of-the-case doctrine does not preclude an
appellate court from reconsidering a decision by a prior
motions panel). The present appeal is therefore
DISMISSED, without prejudice to our consideration at a
later time of the issues raised in the instant appeal.

Parallel Citations

2001 WL 668697 (C.A.2 (N.Y.))