

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:00-cv-08586-LMM-HBP**

Hayden, et al v. Pataki, et al
Assigned to: Judge Lawrence M. McKenna
Referred to: Magistrate Judge Henry B. Pitman
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 11/09/2000
Date Terminated: 11/01/2010
Jury Demand: None
Nature of Suit: 555 Prisoner: Prison
Condition
Jurisdiction: Federal Question

Plaintiff

Joseph Hayden
*on behalf of himself and all individuals
similarly situated*

represented by **Joseph Hayden**
PRO SE

Janai Nelson
NAACP Legal Defense & Educ. Fund
99 Hudson St.
New York, NY 10013
(212) 965-2200
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph A. Hayden, Jr.
Federal Correctional Institution
P.O. Box 1000
#05694-158
Otisville, NY 10963
LEAD ATTORNEY

Plaintiff

Lumumba Akinwole-Bandelle

represented by **Janai Nelson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Wilson Andino

represented by **Janai Nelson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Gina Arias

represented by **Janai Nelson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Gina Arias

Plaintiff

Wanda Best-Deveaux

represented by **Janai Nelson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Carlos Bristol

represented by

Janai Nelson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Augustine Carmona

represented by **Janai Nelson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

David Galarza

represented by **Janai Nelson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Kimalee Garner

represented by **Janai Nelson**
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LEAD ATTORNEY
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Plaintiff

Kimalee Garner

Plaintiff

Mark Graham

represented by **Janai Nelson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Keran Holmes, III

represented by **Janai Nelson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Chaujuantheyia Lochard

represented by **Janai Nelson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Steven Mangual

represented by **Janai Nelson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Steven Mangual

represented by **Janai Nelson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Jamel Massey

represented by **Janai Nelson**
(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

Stephen Ramon

represented by **Janai Nelson**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

Stephen Ramon

Plaintiff

Nilda Rivera

represented by **Janai Nelson**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

Mario Romero

represented by **Janai Nelson**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

Jessica Sanclemente

represented by **Janai Nelson**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

Paul Satterfield

represented by **Janai Nelson**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

Barbara Scott

represented by **Janai Nelson**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

V.

Movant

Lillian M. Rivera

V.

Defendant

Governor George Pataki
Governor of the State of New York

represented by **Joel Graber**
New York State Office of the Attorney
General (24th Floor)
120 Broadway, 24th Floor
New York, NY 10271
(212) 416-8645
Fax: (212) 416-6075
Email: joel.graber@ag.ny.gov

LEAD ATTORNEY

Defendant

Carol Berman
 Chairperson, New York Board of
 Elections

represented by **Joel Graber**
 (See above for address)
 LEAD ATTORNEY

Patricia Lynn Murray
 NYS Board of Elections
 40 Steuben Street
 Albany, NY 12207
 518-474-6367
 Fax: 518-486-4546
 Email: PMurray@elections.state.ny.us
 LEAD ATTORNEY

Patricia Lynn Murray
 (See above for address)

Defendant

Glenn S. Goord
 Commissioner of New York State
 Department of Correctional Services

represented by **Joel Graber**
 (See above for address)
 LEAD ATTORNEY

Date Filed	#	Docket Text
11/09/2000	1	Order endorsed on declaration in support of request to proceed in forma pauperis; I.F.P. request is granted. (signed by Chief Judge Michael B. Mukasey) (bm) (Entered: 11/21/2000)
11/09/2000	2	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). . (bm) (Entered: 11/21/2000)
11/09/2000		Magistrate Judge Henry B. Pitman is so Designated. (bm) (Entered: 11/21/2000)
12/13/2000	3	U.S. MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED of Summons & Complaint as to George Pataki by Richard Platkin on 12/7/00 . Answer due on 12/27/00 for George Pataki . (jp) (Entered: 12/14/2000)
12/13/2000	4	U.S. MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED of Summons & Complaint as to Glenn S. Goord by William Gonzalez on 12/9/00 . Answer due on 12/29/00 for Glenn S. Goord . (jp) (Entered: 12/14/2000)
12/29/2000	5	ACKNOWLEDGEMENT OF SERVICE as to Carol Berman by mail on 12/21/00. Answer due on 1/10/01 for Carol Berman. (kw) (Entered: 01/02/2001)
01/03/2001	7	NOTICE of change of address by Joseph Hayden . (pl) (Entered: 01/08/2001)
01/05/2001	6	ANSWER to Complaint by Carol Berman (Attorney Patricia L. Murray from the New York State Board of Elections). (sn) (Entered: 01/08/2001)
01/25/2001	8	Memo-Endorsement on letter addressed to Judge McKenna from Joel Graber, dated 1/17/01. Reset answer due for 2/28/01 for Carol Berman, and for George Pataki . (signed by Judge Lawrence M. McKenna); Copies mailed. (kw) (Entered: 01/26/2001)
02/08/2001	9	APPLICATION by Joseph Hayden for the Court to request counsel . (lf) (Entered: 02/09/2001)
02/13/2001	10	AFFIDAVIT of due diligence, filed by Carlos Caballero. (jp) (Entered: 02/14/2001)
02/28/2001	11	ANSWER to Complaint by George Pataki, Carol Berman, Glenn S. Goord (Attorney Joel Graber from the Firm: Attorney-General NYS) (cd) (Entered: 03/01/2001)

10/24/2001	12	NOTICE of address change filed by Joseph Hayden . (yv) (Entered: 10/24/2001)
02/25/2002		Notice of change of address filed by Joseph Hayden new location: 201 Ravine Ave. #66 Yonkers, NY 10701. (bai) (Entered: 02/27/2002)
01/15/2003	13	NOTICE OF MOTION by Joseph Hayden for leave to file Amended Complaint ; Return Date not indicated (cd) (Entered: 01/17/2003)
01/15/2003	14	MEMORANDUM OF LAW by Joseph Hayden in support of [13-1] motion for leave to file Amended Complaint . (cd) (Entered: 01/17/2003)
02/24/2003	15	Memo endorsed on courtesy copy of motion; granting [13-1] motion for leave to file Amended Complaint. No opposition having been received. (signed by Judge Lawrence M. McKenna); (kw) (Entered: 02/25/2003)
03/18/2003	16	AMENDED COMPLAINT by Joseph Hayden, George Pataki, Lumumba Akinwole-Bandelle, Wilson Andino, Gina Arias, Gina Arias, Wanda Best-Deveaux, Carlos Bristol, Augustine Carmona, David Galarza, Kimalee Garner, Kimalee Garner, Mark Graham, Keran Holmes III, Chaujuantheyia Lochard, Steven Mangual, Steven Mangual, Jamel Massey, Stephen Ramon, Stephen Ramon, Nilda Rivera, Mario Romero, Jessica Sanclemente, Paul Satterfield, Barbara Scott (Answer due 3/28/03 for Glenn S. Goord, for Carol Berman, for George Pataki); amending [2-1] complaint ; Summons issued. (pl) (Entered: 03/27/2003)
03/19/2003		Memo endorsed on motion; mooting [9-1] motion for the Court to request counsel, counsel havings approved for plaintiff. (signed by Judge Lawrence M. McKenna); (pl) (Entered: 03/20/2003)
04/15/2003	17	ANSWER to Complaint by Carol Berman. (kw) (Entered: 04/17/2003)
04/15/2003	18	ANSWER by George Pataki to [16-1] amended complaint. (Attorney Eliot Spitzer). (jco) (Entered: 04/17/2003)
04/18/2003	19	Memo-Endorsement on letter addressed to Judge McKenna from Janai S. Nelson, dated 4/9/03. counsel for plaintiffs request that this Court decline Mr. Graber's request to stay proceedings in this case pending adjudication of other litigation. The Court does not perceive any reason to stay proceedings at this time, and declines to do so. However, any motion by defendants relating to plaintiffs' 42 U.S.C. 1973 claim may be filed within 30 days of the Second Circuit's decision in Muntaqim. The parties should otherwise proceed with motions on such reasonable schedule as they may be able to agree to, or the Magistrate Judge to whom this case will be referred will set . (signed by Judge Lawrence M. McKenna); (yv) (Entered: 04/21/2003)
05/13/2003	20	ORDER, that any motion pursuant to FRCP 12(c) for judgment on the pleadings shall be served no later than 7/9/03; papers in opposition to any motion pursuant to FRCP 12(c) shall be served no later than 9/9/03; moving and opposition papers concerning any motion pursuant to FRCP 12(c) shall be served by hand; no later than 5/16/03 counsel for all parties shall submit letters to my chambers with their respective proposals for the scheduling of discovery in this matter . (signed by Magistrate Judge Henry B. Pitman); Copies mailed by chambers. (dle) (Entered: 05/14/2003)
05/21/2003	21	Memo-Endorsement on letter addressed to Judge Pitman from Ianai S. Nelson, dated 5/16/03. Re: all parties request the following schedules: initial disclosures due 7/9/03; motion for class certification due 11/3/03, response due 1/5/04, reply due 1/23/04; expert discovery due 8/30/04; general discovery due 9/30/04; dispositive motions due 12/1/04, response due 1/31/05, reply due 2/28/05. The dates to when the parties agree & plttfs proposed schedule for extent disclosures are approved. Due to the extraordinarily prolonged schedule proposed above, further extensions will not be granted, except for unforeseeable emergencies. The press of other cases & vacation schedules will not justify further extensions . (signed by Magistrate Judge Henry B. Pitman) (db) Modified on 05/22/2003 (Entered: 05/22/2003)
06/05/2003	22	Letter filed by Carol Berman addressed to Clerk's Office from Patricia L. Murray, re: address change. (yv) (Entered: 06/09/2003)

07/10/2003	23	NOTICE OF MOTION by George Pataki, Carol Berman for an Order and judgment pursuant to Rule 12(c) of the FRCP, dismissing the claims in the amended complaint alleging violations of the First Amendment, the Equal Protection Clause of the Fourteenth Amendment, the Due Process Clause of the Fourteenth Amendment, the Fifteenth Amendment, 42 U.S.C. 1971(a)(1), 1971(a)(2)(A) and 1971(a)(2)(B), and customary international law, on the grounds of a lack of federal subject-matter jurisdiction . Return Date not indicated. Affirmation of Joel Graber in support attached. (yv) (Entered: 07/11/2003)
07/10/2003	24	MEMORANDUM OF LAW by George Pataki, Carol Berman in support of [23-1] motion for an Order and judgment pursuant to Rule 12(c) of the FRCP, dismissing the claims in the amended complaint alleging violations of the First Amendment, the Equal Protection Clause of the Fourteenth Amendment, the Due Process Clause of the Fourteenth Amendment, the Fifteenth Amendment, 42 U.S.C. 1971(a)(1), 1971(a)(2)(A) and 1971(a)(2)(B), and customary international law, on the grounds of a lack of federal subject-matter jurisdiction . (yv) (Entered: 07/11/2003)
07/14/2003	25	Memo-Endorsement on letter addressed to Judge McKenna from Joel Graber, dated 7/2/03: Granting defendants' request for a page limit of 50 pages, and a 20 page reply . (signed by Judge Lawrence M. McKenna). (tp) (Entered: 07/15/2003)
09/03/2003	26	Memo-Endorsement on letter addressed to Judge McKenna from Ryan Paul Haygood, dated 8/29/03. Granting plaintiffs' request for leave to file a brief of 50 pages . (signed by Judge Lawrence M. McKenna); (kw) (Entered: 09/09/2003)
09/09/2003	27	MEMORANDUM OF LAW by Joseph Hayden, Lumumba Akinwole-Bandelle, Wilson Andino, Gina Arias, Gina Arias, Wanda Best-Deveaux, Carlos Bristol, Augustine Carmona, David Galarza, Kimalee Garner, Kimalee Garner, Mark Graham, Keran Holmes III, Chaujuantheyia Lochard, Steven Mangual, Steven Mangual, Jamel Massey, Stephen Ramon, Stephen Ramon, Nilda Rivera, Mario Romero, Jessica Sanclemente, Paul Satterfield, Barbara Scott in opposition to [23-1] motion for an Order and judgment pursuant to Rule 12(c) of the FRCP, dismissing the claims in the amended complaint alleging violations of the First Amendment, the Equal Protection Clause of the Fourteenth Amendment, the Due Process Clause of the Fourteenth Amendment, the Fifteenth Amendment, 42 U.S.C. 1971(a)(1), 1971(a)(2)(A) and 1971(a)(2)(B), and customary international law, on the grounds of a lack of federal subject-matter jurisdiction . (djc) (Entered: 09/12/2003)
09/22/2003	28	MEMORANDUM OF LAW by George Pataki, Carol Berman in support of [23-1] motion for an Order and judgment pursuant to Rule 12(c) of the FRCP, dismissing the claims in the amended complaint alleging violations of the First Amendment, the Equal Protection Clause of the Fourteenth Amendment, the Due Process Clause of the Fourteenth Amendment, the Fifteenth Amendment, 42 U.S.C. 1971(a)(1), 1971(a)(2)(A) and 1971(a)(2)(B), and customary international law, on the grounds of a lack of federal subject-matter jurisdiction . (moc) (Entered: 09/24/2003)
11/03/2003	29	NOTICE OF MOTION by Joseph Hayden, Lumumba Akinwole-Bandelle, Wilson Andino, Gina Arias, Wanda Best-Deveaux, Carlos Bristol, Augustine Carmona, David Galarza, Kimalee Garner, Mark Graham, Keran Holmes III, Chaujuantheyia Lochard, Steven Mangual, Jamel Massey, Stephen Ramon, Nilda Rivera, Mario Romero, Jessica Sanclemente, Paul Satterfield, Barbara Scott, Lillian M. Rivera for an order for a determination that this case may proceed as a class action purs. to Rules 23(a), 23(b)(2) and 23(c)(4)(B) of the FRCP . No Return Date. Received in the night deposit box on 11/3/03 at 6:09 p.m. (sb) (Entered: 11/07/2003)
11/03/2003	30	MEMORANDUM OF LAW by Joseph Hayden, Lumumba Akinwole-Bandelle, Wilson Andino, Gina Arias, Wanda Best-Deveaux, Carlos Bristol, Augustine Carmona, David Galarza, Kimalee Garner, Mark Graham, Keran Holmes III, Chaujuantheyia Lochard, Steven Mangual, Jamel Massey, Stephen Ramon, Nilda Rivera, Mario Romero, Jessica Sanclemente, Paul Satterfield, Barbara Scott, Lillian M. Rivera in support of [29-1] motion for an order for a determination that this case may proceed as a class action purs. to Rules 23(a), 23(b)(2) and 23(c)(4)(B) of the FRCP. (sb) (Entered: 11/07/2003)
01/07/2004	31	MEMORANDUM OF LAW in Opposition re: 29 Motion to Certify Class. Document filed by Carol Berman, Glenn S. Goord, George Pataki. (ps,) (Entered: 01/07/2004)

		01/16/2004)
01/23/2004	32	REPLY MEMORANDUM OF LAW in Support re: 29 Motion to Certify Class. (NDB) Document filed by Lumumba Akinwole-Bandelle, Wilson Andino, Gina Arias, Wanda Best-Deveaux, Carlos Bristol, Augustine Carmona, David Galarza, Kimalee Garner, Mark Graham, Joseph Hayden, Keran Holmes III, Chaujuantheyia Lochard, Steven Mangual, Steven Mangual, Jamel Massey, George Pataki, Stephen Ramon, Nilda Rivera, Mario Romero, Jessica Sanclemente, Paul Satterfield, Barbara Scott. (pa,) (Entered: 01/29/2004)
02/25/2004	33	NOTICE of Rule 30(b)(6) deposition of defendant Carol Berman. Document filed by Lumumba Akinwole-Bandelle, Wilson Andino, Gina Arias, Wanda Best-Deveaux, Carlos Bristol, Augustine Carmona, David Galarza, Kimalee Garner, Mark Graham, Joseph Hayden, Keran Holmes III, Chaujuantheyia Lochard, Steven Mangual, Steven Mangual, Jamel Massey, Stephen Ramon, Lillian M. Rivera, Nilda Rivera, Mario Romero, Jessica Sanclemente, Paul Satterfield, Barbara Scott. Received in night deposit box on 2/25/04 at 5:21 p.m. (db,) (Entered: 03/01/2004)
02/25/2004	34	NOTICE of Rule 30(b)(6) deposition of defendant George Pataki, Governor of the State of New York. Document filed by Lumumba Akinwole-Bandelle, Wilson Andino, Gina Arias, Wanda Best-Deveaux, Carlos Bristol, Augustine Carmona, David Galarza, Kimalee Garner, Mark Graham, Joseph Hayden, Keran Holmes III, Chaujuantheyia Lochard, Steven Mangual, Steven Mangual, Jamel Massey, Stephen Ramon, Nilda Rivera, Mario Romero, Jessica Sanclemente, Paul Satterfield, Barbara Scott. Received in night deposit box on 2/25/04 at 5:21 p.m. (db,) (Entered: 03/01/2004)
04/19/2004	35	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 Lawrence M. McKenna on 4/19/2004) (jp,) (Entered: 04/20/2004)
04/23/2004	36	STIPULATION AND ORDER. The discovery schedule in this matter be modified as follows: Initial expert witness reports shall be submitted to opposing counsel on or before 7/2/04 and expert witness rebuttal reports, if any, shall be submitted to opposing counsel on or before 8/16/04. The parties will disclose to each other by letter the subject matter of their proposed expert witness testimony no later than 6/1/04. (Signed by Judge Henry B. Pitman on 4/20/04) (yv,) (Entered: 04/26/2004)
05/28/2004	37	MOTION for an order allowing the plaintiffs to withdraw without prejudice the third, fourth, and fifth claims for relief in their first amended complaint to the extent that they are based on the Voting Rights Act of 1965, 42 USC 1973. Document filed by Lumumba Akinwole-Bandelle, Wilson Andino, Gina Arias, Wanda Best-Deveaux, Carlos Bristol, Augustine Carmona, David Galarza, Kimalee Garner, Mark Graham, Joseph Hayden, Keran Holmes III, Chaujuantheyia Lochard, Steven Mangual, Steven Mangual, Jamel Massey, Stephen Ramon, Nilda Rivera, Mario Romero, Jessica Sanclemente, Paul Satterfield, Barbara Scott. (dle,) (Entered: 06/01/2004)
05/28/2004	38	MEMORANDUM OF LAW in Support re: 37 MOTION to Dismiss.. Document filed by Lumumba Akinwole-Bandelle, Wilson Andino, Gina Arias, Wanda Best-Deveaux, Carlos Bristol, Augustine Carmona, David Galarza, Kimalee Garner, Mark Graham, Joseph Hayden, Keran Holmes III, Chaujuantheyia Lochard, Steven Mangual, Steven Mangual, Jamel Massey, Stephen Ramon, Nilda Rivera, Mario Romero, Jessica Sanclemente, Paul Satterfield, Barbara Scott. (dle,) (Entered: 06/01/2004)
06/14/2004	39	ORDER defendants' motion for judgment on the pleadings is granted. So Ordered. (Signed by Judge Lawrence M. McKenna on 6/14/04) (jco,) (Entered: 06/15/2004)
06/16/2004	40	CLERK'S JUDGMENT granting defendants' motion for judgment on the pleadings. (Signed by J. Michael McMahon, clerk on 6/16/04) (ml,) (Entered: 06/16/2004)
06/23/2004		Mailed notice of Right to Appeal to Attorney(s) of Record: Joel Graber, Joseph A. Hayden Jr., Patricia L. Murray, Janai Nelson. (snu,) (Entered: 06/29/2004)

07/13/2004	41	NOTICE OF INTERLOCUTORY APPEAL from 39 Order. Document filed by Lumumba Akinwole–Bandelle, Wilson Andino, Gina Arias, Wanda Best–Deveaux, Carlos Bristol, Augustine Carmona, David Galarza, Kimalee Garner, Mark Graham, Joseph Hayden, Keran Holmes III, Chaujuantheyia Lochard, Steven Mangual, Steven Mangual, Jamel Massey, Stephen Ramon, Nilda Rivera, Mario Romero, Jessica Sanclemente, Paul Satterfield, Barbara Scott. Filing fee \$ 255.00, receipt number E 514388. Copies of Notice of Interlocutory Appeal mailed to Attorney(s) of Record: JOEL GRABER,AAG, PATRICIA L. MURRAY,. (pr,) (Entered: 07/13/2004)
07/13/2004		Transmission of Notice of Appeal to the District Judge re: 41 Notice of Interlocutory Appeal,,. (pr,) (Entered: 07/13/2004)
07/13/2004		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 41 Notice of Interlocutory Appeal,,. (pr,) (Entered: 07/13/2004)
08/02/2004	42	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for 41 Notice of Interlocutory Appeal,, filed by Joseph Hayden, Nilda Rivera, David Galarza, Barbara Scott, Wanda Best–Deveaux, Gina Arias, Lumumba Akinwole–Bandelle, Wilson Andino, Carlos Bristol, Augustine Carmona, Kimalee Garner, Mark Graham, Keran Holmes, Steven Mangual, Steven Mangual, Jamel Massey, Stephen Ramon, Mario Romero, Jessica Sanclemente, Paul Satterfield, Chaujuantheyia Lochard USCA Case Number 04–3886–pr, 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (tp,) (Entered: 08/02/2004)
08/02/2004		Appeal Record Sent to USCA (File). Indexed record on Appeal Files for 41 Notice of Interlocutory Appeal,, filed by Joseph Hayden, Nilda Rivera, David Galarza, Barbara Scott, Wanda Best–Deveaux, Gina Arias, Lumumba Akinwole–Bandelle, Wilson Andino, Carlos Bristol, Augustine Carmona, Kimalee Garner, Mark Graham, Keran Holmes, Steven Mangual, Steven Mangual, Jamel Massey, Stephen Ramon, Mario Romero, Jessica Sanclemente, Paul Satterfield, Chaujuantheyia Lochard USCA Case Number 04–3886–pr, were transmitted to the U.S. Court of Appeals. (tp,) (Entered: 08/02/2004)
05/18/2006		Minute Entry for proceedings held before Judge Lawrence M. McKenna : Status Conference held on 5/18/2006 (on Mandate). Court instructs counsel to notify the Court as to the status of this case relative to other cases currently pending in USDC in other Districts. No transcript. All parties present. (db,) (Entered: 05/19/2006)
06/28/2006	45	MEMORANDUM AND ORDER; With respect to the May 4, 2006 and June 1, 2006 en banc decisions in this case of the Court of Appeals for the Second Circuit, plaintiffs are to advise this Court in writing, not later than July 17, 2006, whether in their view they have raised a claim on behalf of plaintiffs who are neither incarcerated nor on parole that their votes are diluted because of New York's apportionment process, as elaborated in the Court of Appeals' decisions, and, if the answer is affirmative, to identify the relevant portions of the complaint and suggest what further proceedings should be had in this Court; the State defendants are to respond in writing, not later than July 27, 2006. (Signed by Judge Lawrence M. McKenna on 6/28/06) (djc,) (Entered: 07/06/2006)
06/30/2006	43	MANDATE of USCA (Certified Copy) as to 41 Notice of Interlocutory Appeal, filed by Joseph Hayden, Nilda Rivera, David Galarza, Barbara Scott, Wanda Best–Deveaux, Gina Arias, Lumumba Akinwole–Bandelle, Wilson Andino, Carlos Bristol, Augustine Carmona, Kimalee Garner, Mark Graham, Keran Holmes, III, Steven Mangual, Steven Mangual, Jamel Massey, Stephen Ramon, Mario Romero, Jessica Sanclemente, Paul Satterfield, Chaujuantheyia Lochard, USCA Case Number 04–3886–pr. It is hereby Ordered, Adjudged and Decreed that the judgment of the District Court is AFFIRMED, and the cause is REMANDED to the District Court for further proceedings in accordance with the opinion of this Court. Roseann B. MacKechnie, Clerk USCA. Issued As Mandate: 6/1/06. (tp,) (Entered: 07/05/2006)
06/30/2006	44	MANDATE of USCA (Certified Copy) as to 41 Notice of Interlocutory Appeal, filed by Joseph Hayden, Nilda Rivera, David Galarza, Barbara Scott, Wanda Best–Deveaux, Gina Arias, Lumumba Akinwole–Bandelle, Wilson Andino, Carlos Bristol, Augustine Carmona, Kimalee Garner, Mark Graham, Keran Holmes, III,

		Steven Mangual, Steven Mangual, Jamel Massey, Stephen Ramon, Mario Romero, Jessica Sanclemente, Paul Satterfield, Chaujuantheyia Lochard, USCA Case Number 04-3886-pr. It is hereby Ordered, Adjudged and Decreed that the case is REMANDED to the District Court. Roseann B. MacKechnie, Clerk USCA. Issued As Mandate: 6/1/06. (tp,) (Entered: 07/05/2006)
07/05/2006		Transmission of USCA Mandate/Order to the District Judge re: 43 USCA Mandate.(tp,) (Entered: 07/05/2006)
07/05/2006		Transmission of USCA Mandate/Order to the District Judge re: 44 USCA Mandate. (tp,) (Entered: 07/05/2006)
07/13/2006	46	PLAINTIFFS' RESPONSE TO COURT'S 6/28/06 MEMORANDUM AND ORDER Document filed by Carlos Bristol, Augustine Carmona, David Galarza, Kimalee Garner, Kimalee Garner, Mark Graham, Keran Holmes, III, Chaujuantheyia Lochard, Steven Mangual, Steven Mangual, Joseph Hayden, Jamel Massey, Stephen Ramon, Stephen Ramon, Nilda Rivera, Mario Romero, Jessica Sanclemente, Paul Satterfield, Barbara Scott, Lumumba Akinwole-Bandelle, Wilson Andino, Gina Arias, Gina Arias, Wanda Best-Deveaux. (jco,) (Entered: 07/18/2006)
08/04/2006	47	MEMORANDUM AND ORDER: The Court finds that no further proceedings in the District Court are required, and that the case in the District Court need not be reopened. (Signed by Judge Lawrence M. McKenna on 8/3/2006) (lb,) (Entered: 08/07/2006)
08/11/2006		Appeal Record Returned. Indexed record on Appeal Files for 41 Notice of Interlocutory Appeal,, filed by Joseph Hayden,, Nilda Rivera,, David Galarza,, Barbara Scott,, Wanda Best-Deveaux,, Gina Arias,, Lumumba Akinwole-Bandelle,, Wilson Andino,, Carlos Bristol,, Augustine Carmona,, Kimalee Garner,, Mark Graham,, Keran Holmes, III, Steven Mangual,, Steven Mangual,, Jamel Massey,, Stephen Ramon,, Mario Romero,, Jessica Sanclemente,, Paul Satterfield,, Chaujuantheyia Lochard, USCA Case Number 04-3886, returned from the U.S. Court of Appeals. (nd,) (Entered: 08/17/2006)
10/11/2006	48	ORDER of USCA (Certified Copy) as to 41 Notice of Interlocutory Appeal, filed by Joseph Hayden,, Nilda Rivera,, David Galarza,, Barbara Scott, Wanda Best-Deveaux,, Gina Arias,, Lumumba Akinwole-Bandelle, Wilson Andino,, Carlos Bristol,, Augustine Carmona,, Kimalee Garner, Mark Graham,, Keran Holmes, III, Steven Mangual,, Steven Mangual, Jamel Massey,, Stephen Ramon,, Mario Romero, Jessica Sanclemente, Paul Satterfield,, Chaujuantheyia Lochard, USCA Case Number 04-3886-pr. In a published Opinion filed June 1, 2006, the Court, sitting en banc, remanded this appeal to the District Court for further proceedings. Those proceedings having now been concluded, IT IS HEREBY ORDERED the mandate is recalled and appeal is restored to the Court's argument calendar. Roseann B. MacKechnie, Clerk USCA. Certified: 10/6/2006. (nd,) (Entered: 10/11/2006)
10/11/2006		Appeal Remark as to 41 Notice of Interlocutory Appeal, Re: 43 Mandate of USCA, 44 Mandate of USCA USCA Case Number 04-3886-pr: Mandates are returned to Court of Appeals, 2nd Cir. to the attn of G. Phillip. (nd,) (Entered: 10/11/2006)
03/25/2010	49	MANDATE of USCA (Certified Copy) as to 41 Notice of Interlocutory Appeal,, filed by Carlos Bristol, Steven Mangual, Augustine Carmona, Mark Graham, Barbara Scott, Joseph Hayden, Nilda Rivera, Mario Romero, Jessica Sanclemente, David Galarza, Gina Arias, Lumumba Akinwole-Bandelle, Kimalee Garner, Wanda Best-Deveaux, Jamel Massey, Wilson Andino, Stephen Ramon, Chaujuantheyia Lochard, Keran Holmes, III, Paul Satterfield USCA Case Number 04-3886-pr. Ordered, Adjudged and Decreed that the judgment of the District Court is AFFIRMED and the case is REMANDED in accordance with the opinion of this court. Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 02/19/2010. (nd) (Entered: 03/25/2010)
03/25/2010		Transmission of USCA Mandate/Order to the District Judge re: 49 USCA Mandate,, (nd) (Entered: 03/25/2010)

04/12/2010	<u>50</u>	CASE MANAGEMENT PLAN AND SCHEDULING ORDER, that plaintiffs may have until 7/12/10 to file an amended complaint. (Signed by Judge Lawrence M. McKenna on 4/12/10) (pl) (Entered: 04/12/2010)
04/12/2010		Minute Entry for proceedings held before Judge Lawrence M. McKenna: Status Conference held on 4/12/2010.....in re: as Mandated. All parties present. The Court grants Plaintiffs leave to file an Amended Complaint no later than 7/12/2010. No transcript taken. (tro) (Entered: 04/13/2010)
11/01/2010	<u>51</u>	STIPULATION OF VOLUNTARY DISMISSAL PURSUANT TO FRCP 41(a)(1)(A)(ii)that the action is voluntarily dismissed against all the defendants pursuant to FRCP 41(a)(1)(A)(ii). (Signed by Judge Lawrence M. McKenna on 11/1/10) (cd) (Entered: 11/01/2010)