

GENERAL DOCKET
UNITED STATES COURT OF APPEALS
 FOR THE
 SECOND CIRCUIT

APPEAL FROM <p align="center">SOUTHERN DISTRICT</p>	CASE NO. <p align="right">35038</p>
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TITLE OF CASE MARTIN SOSTRE, Plaintiff-Appellee, v. NELSON A. ROCKEFELLER, Governor of the State of New York, PAUL D. MCGINNIS, Commissioner of Correction of the State of New York, VINCENT MANCUSI, Warden of Attica Prison, and HAROLD W. FOLLETTE, Warden of Green Haven Prison, Defendants-Appellants	ATTORNEYS FOR APPELLANT Appellee Martin-Sestre-(Pro-se)- Drawer-D, Stormville,-N.Y.-12582-- Rabinowitz, Boudin & Standard 30 East 42nd St. New York, N. Y. 10017 (OX 7-8640) *Jack Greenberg (Amicus Curiae Stanley A. Bass (NAACP) 586-8397 10 Columbus Circle New York, N.Y. 10019 *National Conference of (Amicus Black Lawyers Curiae) 112 W. 120th St., N.Y. 10027 Appellants ATTORNEYS FOR APPELLEE Attorney General 80 Centre Street New York, N. Y. 10013 <i>HILLEN HOFFMAN</i> 488 7411
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TRANSFERRED FROM
 MR 3913

Cal #180

No. BELOW: 68 Civ 4058
 JUDGE BELOW: C. B. Motley
 DATE OF JUDGMENT:
 NOTICE OF APPEAL FILED:

DATE	ACCOUNT OF APPELLANT	Received	Disbursed	REMARKS
June 19'70	Filed record (original papers of district court)	\$25 00		
<i>6-23-70</i>	<i>Dep Acct 100 869 (4702) C.D. 196</i>		<i>25 00</i>	

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CASE NO. **35038** **Martin Sostre v. Rockefeller, etc.**

DATE	FILINGS—PROCEEDINGS	Filed
6-19-70	Filed record (original papers of district court)	
7-1-70	Filed motion for a stay; for leave to file an oversize brief; for a preference; leave to file 4 vols. exhibit A with proof of service	
7-9-70	Filed affidavit in opposition to motion for stay with proof of service	
7-10-70	Filed order granting motion for stay to the extent that said subparagraph shall be limited to placing plaintiff in punitive segregation for more than three days at any one time or a total of more than ten days pending the hearing of the appeal; and is otherwise denied; that the appeal be assigned for argument week of 9-14-70	
7-29-70	Filed order extending time to file appellants brief, appendix and exhibits to 8-7-70; appellee's brief and exhibits extended to 9-11-70; that the stay granted by the District Court on 6-12-70, and granted by this Court on 7-10-70 shall remain in effect	
7-29-70	Filed order application & adjourning argument of appeal until a day & hour consistent with docket demands during week of 9-28-70	
8-7-70	Filed appendix with proof of service	
8-7-70	Filed exhibit volume (4 copies) with proof of service	
8-7-70	Filed brief, appellants with proof of service	
9-2-70	Filed order adjourning argument scheduled for 9-30-70; argument of appeal to be heard during week of 10-19-70	
9-3-70	Filed motion for reconsideration with proof of service	
9-9-70	Filed affidavit in opposition to motion for reconsideration with proof of service	
9-11-70	Filed motion of amicus curiae NAACP and National Office for the Rights of Indigents to participate in the oral argument (consent to file brief amicus curiae annexed)	
9-11-70	Filed brief, amici curiae (NAACP Legal Defense and Educational Fund)	
9-16-70	Filed motion for leave to file an oversized brief for appellee and to file out of time with proof of service	
9-14-70	Filed application & order granting leave to file brief, amicus curiae (National Conference of Black Lawyers)	
9-14-70	Filed brief amicus curiae (National Conference of Black Lawyers) with proof of service	
9-15-70	Filed order granting motion for leave to participate in oral argument of appeal, etc. (NAACP)	

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DATE	FILINGS—PROCEEDINGS	Filed
CASE NO. 35038 PAGE 3	Martin Sostre v. Rockefeller	
9-16-70	Filed motion for leave to file an oversized brief out of time, appellee, with proof of service •	
9-16-70	Filed order granting leave to file a brief not to exceed 79 pages offset of xeroxed and to extend time to file brief to 9-16-70 (appellee)	
9-16-70	Filed 4 tw copies brief, appellee with proof of service	
9-21-70	Filed order denying motion to reconsider the order of this court of 9-2-70 adjourning argument of appeal and set the argument of the appeal for hearing on 9-30-70	
9-24-70	Filed order that the court will sit in banc and hear argument in this action on 10-21-70 at 2:00 P.M.	
9-30-70	Filed motion for leave to file an additional exhibit volume by appellants with proof of service •	
10-2-70	Filed order granting motion for leave to file additional exhibit volume by appellant's, etc.	
10-2-70	Filed additional exhibit volume (10 copies) with proof of service	
10-6-70	Filed motion for set order aside with proof of service •	
10-8-70	Filed order denying motion to reconsider and set aside this Court's order filed 10-2-70, which granted appellant leave to file an additional exhibit on appeal	
10-20-70	Filed motion for leave to file a brief with proof of service (Sostre) •	
10-20-70	Filed reply brief, appellants with proof of service	
10-21-70	Filed order granting motion for leave to file a brief, (Sostre)	
10-21-70	Argument heard (In Banc)	
10-28-70	Filed reply brief, appellee with proof of service	
10-29-70	Filed supplemental memorandum of amici curae (NAACP, etc.)	
2-24-71	Judgment Reversed in Part; Modified in Part; Affirmed in Part, Kaufman, CJ	
2-24-71	Concurring in separate opinion, Lumbard, ChJ	
2-24-71	Concurring in separate opinion, Waterman, CJ	
2-24-71	Concurring in part and dissenting in part in separate opinion, Smith, CJ	
2-24-71	Dissenting with whom Judge Moore concurs in separate opinion, Hays, CJ	
2-24-71	Dissenting and concurring in separate opinion, Feinberg, CJ	
2-24-71	Filed judgment (SEE PAGE #)	

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DATE	FILINGS—PROCEEDINGS	Filed
2-26-71	Filed motion for extension of time to file petition for rehearing with proof of service	✓
3-4-71	Filed order granting motion for extension of time to file petition for rehearing to 3-25-71	✓
3-25-71	Filed petition for rehearing with proof of service	✓
4-6-71	Filed motion for leave to file petition for partial reconsideration with proof of service (NAACP)	✓
4-8-71	Filed order denying petition for rehearing	✓
4-14-71	Filed motion for stay issuance of mandate with proof of service	✓
4-15-71	Filed affidavit in opposition to motion for stay issuance of mandate	✓
4-21-71	Filed order granting motion for leave to file petition for rehearing; petition for partial reconsideration is denied	✓
5-10-71	Filed order granting motion to stay issuance of mandate	✓
5-24-71	Filed order granting motion to stay issuance of mandate, subject to 30-day limitation of F.R.A.P. 41(b)	✓
7-1-71	Issued Mandate (opinion & judgment)	
8-26-71	Filed certificate of filing of writ of certiorari	
8-30-71	Filed notice of filing of petition for writ of certiorari	
1-24-72	Filed certified copy of order of Supreme Court denying petition for writ of certiorari (Sostre)	
3-15-72	Filed certified copy of order of Supreme Court denying petition for writ of certiorari (Oswald)	
3-26-73	Original record returned to district court	
3-28-73	Filed receipt of return of original record to district court	