

CLOSED

U.S. District Court
Northern District of New York - Main Office (Syracuse) [LIVE - Version 3.0.6] (Prisoner)
CIVIL DOCKET FOR CASE #: 9:94-cv-01237-NAM-GJD

Muntaqim, et al v. Coombe, et al
Assigned to: Chief Judge Norman A. Mordue
Referred to: Magistrate Judge Gustave J. DiBianco
Demand: \$5,000,000
Case in other court: 2nd Circuit, 01-07260-pr
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/26/1994
Date Terminated: 01/25/2001
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Anthony Bottom
also known as
Jalil Abdul Muntaqim

represented by **Anthony Bottom**
77-A-4283
Auburn Correctional Facility
135 State Street
P.O. Box 618
Auburn, NY 13024-9000
PRO SE

V.

Defendant

Philip Coombe, Jr.
Individually and in his official capacity as
Commissioner of New York State
Department of Correctional Services;

represented by **Richard J. Freshour**
Office of Attorney General - Albany
State of New York
The Capitol
Albany, NY 12224
518-474-8370 (Main)
Fax: 518-473-1572
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Anthony Annucci
Individually and in his official capacity as
Deputy Commissioner and Counsel of New
York State Department of Correctional
Services;

represented by **Richard J. Freshour**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Louis F. Mann
Individually and in his official capacity as
Superintendent of Shawangunk
Correctional Facility, et al

represented by **Richard J. Freshour**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/26/1994	2	In Forma Pauperis Application filed by Jalil Abdul Muntaqim (fce) (Entered: 09/26/1994)
09/26/1994		CASE REFERRED to Magistrate Judge Daniel Scanlon Jr. (fce) (Entered: 09/26/1994)
09/26/1994	1	COMPLAINT filed; (fce) (Entered: 09/26/1994)
10/26/1994	3	ORDER for Payment of Partial Filing Fee of \$4.77 by Jalil Abdul Muntaqim , Service Date: 10/26/94 , Partial Fee due by 12/15/94 when partial fee received plaintiff granted leave to proceed in forma pauperis and Clerk to issue summons and deliver to Marshal for service. Recommended that if plaintiff fails to comply with this order, action should be dismissed. (Signed by Magistrate Judge Daniel Scanlon Jr.) (fce) (Entered: 10/26/1994)
11/08/1994		SUMMONS(ES) issued for Phillip Coombe Jr., Anthony Annucci, Louis F. Mann, Original and 3 copies summons issued and delivered to Marshal, Balance Order done-consent forms sent. (fce) (Entered: 11/08/1994)
11/08/1994		Payment of Partial Filing Fee by Jalil Abdul Muntaqim FILING FEE \$ 4.77 RECEIPT # 21680 Service deadline 1/7/95 for Louis F. Mann, for Anthony Annucci, for Phillip Coombe Jr. (fce) (Entered: 11/08/1994)
12/16/1994	6	ACKNOWLEDGEMENT OF SERVICE as to Louis F. Mann on 12/8/94 : Answer due on 2/15/95 for Louis F. Mann (fce) (Entered: 12/20/1994)
12/20/1994	7	ACKNOWLEDGEMENT OF SERVICE as to Phillip Coombe Jr., Anthony Annucci on 12/12/94 : Answer due on 2/15/95 for Anthony Annucci, for Phillip Coombe Jr. (fce) (Entered: 12/20/1994)
12/20/1994	5	REQUEST and ORDER, reset Answer deadline to 2/15/95 for Louis F. Mann (signed by A. J. Bosman Moore, pro se staff attorney per direction of Magistrate Judge Daniel Scanlon Jr.) (fce) (Entered: 12/20/1994)
12/20/1994	4	REQUEST and ORDER, reset Answer deadline to 2/15/95 for Anthony Annucci, for Phillip Coombe Jr. (signed by A. J. Bosman Moore, Esq. pro se staff attorney per direction of Magistrate Judge Daniel Scanlon Jr.) (fce) (Entered: 12/20/1994)
02/16/1995	8	ANSWER to Complaint by Phillip Coombe Jr., Anthony Annucci, Louis F. Mann (Attorney Freshour), (fce) (Entered: 02/16/1995)
03/07/1995	9	Pre-trial Order Issued. Discovery Deadline 8/1/95; any discovery motions have a return date by 9/1/95. Motion Filing Deadline 9/4/95, returnable by 10/2/95, Signed by Magistrate Judge Daniel Scanlon Jr.) (fce) (Entered: 03/08/1995)
03/10/1995	10	Traverse Filed by Jalil Abdul Muntaqim (fce) (Entered: 03/10/1995)
04/17/1995	11	Notice 4/12/95 of change of address to Attica C.F., PO Box 149, Attica, N.Y. 14011-0149. (fce) (Entered: 04/18/1995)

06/22/1995	12	FIRST SET OF INTERROGATORIES propounded by Jalil Abdul Muntaqim to Phillip Coombe Jr., Anthony Annucci (fce) (Entered: 06/22/1995)
08/02/1995	13	MOTION by Jalil Abdul Muntaqim to Compel Discovery , Hearing set for 9/1/95 , Response Deadline 8/18/95 , Reply to Response Deadline 8/25/95 Motion returnable before Judge/Mag. Scanlon (fce) (Entered: 08/02/1995)
08/16/1995	14	AFFIRMATION of Richard J. Freshour by Phillip Coombe Jr., Anthony Annucci, Louis F. Mann in Opposition to Re: [13-1] motion to Compel Discovery (wbl) Modified on 08/16/1995 (Entered: 08/16/1995)
08/30/1995	15	NOTICE of CHANGE OF ADDRESS by Jalil Abdul Muntaqim to Elmira Correctional Facility, POB 500, Elmira, NY 14902 (wjg) (Entered: 08/30/1995)
11/06/1995	16	NOTICE of change of address to Elmira CF, dd 11/3/95, filed by Jalil Abdul Muntaqim (cbm) (Entered: 11/07/1995)
02/05/1996	17	Plaintiff's letter dd 2/1/96, inquiring as to when the pre-trial conference will be scheduled. (fce) (Entered: 02/06/1996)
04/01/1996	18	Plaintiff's change of address dd 3/28/96, to: Eastern N.Y. Corr. FAc., Box 338, Napanoch, NY 12458-0338. (fce) (Entered: 04/02/1996)
06/18/1996	19	ORDER denying [13-1] motion to Compel Discovery (signed by Magistrate Judge Daniel Scanlon Jr. dd 6/13/96) (fce) (Entered: 06/19/1996)
08/06/1996	20	Plaintiff's ltr dd 7/31/96, re: settlement issue. (fce) (Entered: 08/08/1996)
12/05/1996	21	Plaintiff's letter to the Court dd 12/2/96 requesting trial date be set. (fce) (Entered: 12/05/1996)
12/24/1996	22	Plaintiff's request for scheduling case for trial. (fce) (Entered: 12/26/1996)
05/16/1997	23	Plaintiff's letter to the Court dd 5/13/97 requesting instructions to proceed to jury trial. (fce) (Entered: 05/19/1997)
07/07/1997	24	Request by Plaintiff dtd 7/2/97 for final pre-trial conference. (tjm) (Entered: 07/08/1997)
12/01/1997	25	Plaintiff's letter to the Court dated 11/26/97 requesting a trial date be set. (fce) (Entered: 12/01/1997)
04/30/1998	26	Plaintiff's letter to the Court dated 4/16/98 requesting date for final pre-trial conference and for Pre-Trial Order. (fce) (Entered: 04/30/1998)
07/02/1998	27	MAIL RETURNED UNDELIVERABLE as to Jalil Abdul Muntaqim at Eastern Correctional Facility (copy of General Order dated 6/9/98). [NOTE: envelope notes that name and number don't match.] (cdl) (Entered: 07/02/1998)
07/15/1998		Because copy of Judge McAvoy's 6/9/98 General Order (re: management of cases assigned to Judge Pooler) was returned unserved as to pltf, w/notation on envelope that name and inmate ID number don't match, pltf's alias Anthony Bottom has been substituted for Jalil Abdul Muntaqim; order has been re-served. (cbm) (Entered: 07/15/1998)
08/14/1998	28	ORDER, action reassigned from Mag/Judge Scanlon to Mag/Judge Gustave J.

		DiBianco (dd 8-13-98 signed by Chief Judge Thomas J. McAvoy) (pta) (Entered: 08/14/1998)
08/14/1998		CASE NO LONGER REFERRED TO Magistrate Judge Daniel Scanlon Jr. (pta) (Entered: 08/14/1998)
08/14/1998		CASE REFERRED to Magistrate Judge Gustave J. DiBianco (pta) (Entered: 08/14/1998)
12/08/1998	29	NOTICE from Clerk's Office advising parties that case has been reassigned to Judge Mordue. (jlm) (Entered: 12/08/1998)
12/08/1998		CASE reassigned to Judge Norman A. Mordue (jlm) (Entered: 12/08/1998)
05/11/1999	30	Change of Address received from Pltf Anthony Bottom. Effective date: 5/6/99 New Address: Auburn Correctional Facility, P.O. Box 618, 135 State Street, Auburn, NY 13024. Old Address: Eastern Corr. Facility, Box 338, Napanoch, NY. (jlm) (Entered: 05/11/1999)
06/08/1999	31	Letter dd 6/7/99 from Jalil Abdul Muntagim a/k/a Anthony Bottom. RE: Letter Motion to the Court to have the foregoing matter placed on the calendar to proceed with a jury trial. (jlm) (Entered: 06/10/1999)
06/25/1999	32	Scheduling Notice for Pretrial Conference: set Telephone Conference for 9:00 8/26/99 with Judge Mordue. Pretrial Conference statements due 8/19/99. (jlm) (Entered: 06/25/1999)
08/26/1999	33	Minute entry for telephone conference with Judge Mordue: Settlement not able to be reached. Defense requests time to file SJ motion - granted. reset Motion Filing deadline to 10/26/99 . Trial to be set, if necessary, after motion decision. APP: Anthony Bottom, pro se; Richard Freshour for defts. (jat) (Entered: 09/07/1999)
10/25/1999	34	MOTION by Louis F. Mann, Anthony Annucci, Philip Coombe Jr. for Summary Judgment , Hearing set for 10:00 11/24/99 , Response Deadline 11/10/99 Motion returnable before Mag. Judge: DiBianco (fce) (Entered: 10/26/1999)
10/25/1999	35	Statement of Material Facts in Support of [34-1] motion for Summary Judgment filed by Louis F. Mann, Anthony Annucci, Philip Coombe Jr. (fce) (Entered: 10/26/1999)
10/25/1999	36	AFFIDAVIT IN SUPPORT by William Fulton on behalf of Louis F. Mann, Anthony Annucci, Philip Coombe Jr. Re: [34-1] motion for Summary Judgment (fce) (Entered: 10/26/1999)
10/25/1999	37	MEMORANDUM OF LAW by Louis F. Mann, Anthony Annucci, Philip Coombe Jr. in support of [34-1] motion for Summary Judgment (fce) (Entered: 10/26/1999)
10/25/1999		Motion(s) referred: [34-1] motion for Summary Judgment referred to Magistrate Judge Gustave J. DiBianco (jlm) (Entered: 11/02/1999)
10/28/1999	38	Letter, dated 10/26/99, from Richard J. Freshour, AAG, noting that Summary Judgement Motion Papers should have reflected Magistrate Judge DiBianco as the assigned Magistrate Judge. (wgl) (Entered: 10/29/1999)

11/12/1999	39	MEMORANDUM by Anthony Bottom in opposition to [34-1] motion for Summary Judgment w/affidavit of service. (tjm) (Entered: 11/12/1999)
11/12/1999	40	Rule 7.1(a)(3) Statement in opposition to [34-1] motion for Summary Judgment filed by Anthony Bottom (tjm) (Entered: 11/12/1999)
11/15/1999	41	REQUEST by Pltf. Muntaqim dtd 11/4/99 and ORDER, Response to Motion reset to 11/19/99 for [34-1] motion for Summary Judgment (signed by Sharon F. Broton, Esq., on 11/12/99 for Magistrate Judge Gustave J. DiBianco) (Imp) (Entered: 11/15/1999)
07/18/2000	42	REPORT AND RECOMMENDATIONS of Magistrate Judge Gustave J. DiBianco. Recommended that the def't's motion for summary judgment #34 be Granted, and the Complaint be Dismissed. Service Date: 7/18/00 Re: (Objection to R and R due by 8/7/00 for Anthony Bottom, Philip Coombe Jr., Anthony Annucci, and Louis F. Mann). Motion(s) no longer referred (jlm) (Entered: 07/19/2000)
07/18/2000		Motion(s) no longer referred: [34-1] motion for Summary Judgment (jlm) (Entered: 07/19/2000)
07/26/2000	43	OBJECTION by Anthony Bottom to [42-1] report and recommendations (Affidavit of Service attached) (jat) (Entered: 07/27/2000)
08/29/2000	44	NOTICE of Transfer of Inmate Litigation to Syracuse Divisional Office effective 9/5/00. (fce) (Entered: 08/29/2000)
01/24/2001	45	ORDER that Magistrate Judge DiBianco's Report-Recommendation dated July 18, 2000 is ADOPTED IN FULL; that defendants' motion for summary judgment is GRANTED; that plaintiff's action is DISMISSED in its ENTIRETY (signed by Judge Norman A. Mordue) (sal) (Entered: 01/25/2001)
01/25/2001	46	JUDGMENT that pursuant to the Order by U.S. District Judge Norman A. Mordue, Magistrate Judge DiBianco's Report-Recommendation dated 7/18/00 is adopted in full; that defendants' motion for summary judgment is granted; that plaintiff's action is dismissed in its entirety Date Served: 1/25/01 (sal) (Entered: 01/25/2001)
01/25/2001		Case closed (sal) (Entered: 01/25/2001)
02/20/2001	47	NOTICE OF APPEAL by Anthony Bottom appealing Order entered on 1/24/01; with attachments. Filing Fee N/A - IFP Granted. Appeal record due on 3/22/01 (dmf) Modified on 02/27/2001 (Entered: 02/27/2001)
02/27/2001		Notice of appeal and certified copy of docket to USCA re: [48-1] appeal by Anthony Bottom (parties noticed). (dmf) (Entered: 02/27/2001)
02/27/2001		Certified and transmitted record on appeal to U.S. Court of Appeals: [48-1] appeal by Anthony Bottom (dmf) (Entered: 02/27/2001)
07/27/2004	48	Copy of MANDATE of USCA, judgment filed 4/23/04, errata sheet filed 5/17/04, affirming judgment of district court. (cbm,) (Entered: 07/27/2004)
07/27/2004		USCA Case Number 01-7260-pr for [47] Notice of Appeal filed by Anthony Bottom. (cbm,) (Entered: 07/27/2004)

05/19/2006	49	MANDATE of USCA as to [47] Notice of Appeal filed by Anthony Bottom. ORDERED that this case be consolidated with Hayden v. Pataki, 04-3886-pr, by Order dated 2/24/05. The Court heard argument in both cases on 6/22/05.(tlp) (Entered: 05/22/2006)
06/02/2006	50	MANDATE of USCA as to [47] Notice of Appeal filed by Anthony Bottom, (tlp) (Entered: 06/05/2006)
07/14/2006		Appeal Record Returned: [47] Notice of Appeal (tlp) (Entered: 07/14/2006)

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