

CASREF, CLOSED

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:97-cv-08297-NRB**

Marria v. Broaddus, et al
Assigned to: Judge Naomi Reice Buchwald
Demand: \$600,000
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 11/10/1997
Jury Demand: Both
Nature of Suit: 555 Prisoner: Prison
Condition
Jurisdiction: Federal Question

Plaintiff**Rashaad Marria**

represented by **Rashaad Marria**
Shawangunk Correctional Facility
(95-A-4315)
Box 700
Wallkill, NY 12589-0700
PRO SE

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V.

Defendant

Dr. Raymond Broaddus
Deputy Commissioner of Programs

represented by **Alan R. Kusinitz**
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Defendant

G. Blaetz
*Chairperson of the Green Haven
Correctional Facility Media Review
Committee*

represented by **Alan R. Kusinitz**
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Benjamin J. Lee
(See above for address)
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Stephanie Vullo
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LEAD ATTORNEY

Defendant

Warith Deen Umar
Coordinator for Islamic Affairs (D.O.C.S.)

represented by **Alan R. Kusinitz**
(See above for address)
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Benjamin J. Lee
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Stephanie Vullo
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Defendant

Glenn Goord*Acting Commissioner of D.O.C.S.*represented by **Alan R. Kusinitz**

(See above for address)

LEAD ATTORNEY**Benjamin J. Lee**

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LEAD ATTORNEY**Stephanie Vullo**

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LEAD ATTORNEY

Date Filed	#	Docket Text
11/10/1997	1	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS by Rashaad Marria . (jp) (Entered: 11/18/1997)
11/10/1997	2	COMPLAINT filed (jp) (Entered: 11/18/1997)
11/10/1997		Magistrate Judge Bernikow is so Designated. (jp) (Entered: 11/18/1997)
11/10/1997	3	ORDER OF DISMISSAL Accordingly, the complaint, filed in forma pauperis under 28 U.S.C. 1915(a), is dismissed pursuant to 28 U.S.C. 1915(d). We certify pursuant to 28 U.S.C. 1915(a) that any appeal from this order would not be taken in good faith. SO ORDERED. (signed by Chief Judge Thomas P. Griesa) (jp) (Entered: 11/18/1997)
11/10/1997	4	JUDGMENT for Raymond Broaddus, G. Blaetz, Warith Deen Umar, Glenn Goord . Ordered, Adjudged and Decreed: That the complaint be and it is hereby dismissed. 28 U.S.C. 1915 (d). We certify that any appeal from the Court's order would not be taken in good faith. SO ORDERED. (signed by Chief Judge Thomas P. Griesa). (jp) (Entered: 11/18/1997)
11/10/1997		Case closed (jp) (Entered: 11/18/1997)
12/01/1997	5	NOTICE of Change of Address by Rashaad Marria . (pl) (Entered: 12/01/1997)
12/29/1997	7	NOTICE OF APPEAL by Rashaad Marria .; from [6-1] order plaintiff's request for an extension of time to appeal is granted . Copies of notice of appeal mailed to Attorney(s) of Record: Sua Sponte, Fees Due. (as) (Entered: 04/15/1998)
04/06/1998	6	Filed Memo-Endorsement on memo addressed to Judge Griesa from Stanley Pugliese, Pro Se Writ Clerk, dated 3/26/98, plaintiff's request for an extension of time to appeal is granted (signed by Chief Judge Thomas P. Griesa) (kw) (Entered: 04/13/1998)
04/16/1998	8	Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [7-1] appeal by Rashaad Marria . (as) (Entered: 04/16/1998)
09/21/1998	9	MANDATE OF USCA (certified copy) Re: Dismissed [7-1] appeal by Rashaad Marria. (98-2349) Caroyln Clark Campbell, CLerk, USCA. (as) (Entered: 09/22/1998)

10/16/1998		Indexed record on appeal files (98-2349) returned from the U.S.C.A. (dt) (Entered: 10/26/1998)
10/29/1998	10	ORDER; we hereby vacate our 11/10/97 Order for the limited purpose expressed in the Second Circuit's September 11th Mandate and reassign this action to a district court judge as provided by the Rules Governing the Division of Business among Judges ; a summons shall be issd. from this Court and served upon the defts according to the provisions of Rule 4 of the F.R.C.P. ; plttf is granted leave to proceed in forma pauperis ; the Pro Se Office is directed to expedite service by forwarding to plttf the necessary materials to have the U.S. Marshal Service serve a copy of this Order, the Summons and the Complt. upon defts in compliance w/ Rule 4 of the F.R.C.P. ; nothing herein shall preclude defts from making any such motion to dismiss the complt. as they may be advised to make ; (signed by Chief Judge Thomas P. Griesa); copies mailed; on 10/29/98 forwarded copy of Order to Case Assignment Clerk (ls) Modified on 10/29/1998 (Entered: 10/29/1998)
10/29/1998		Case reopened (ls) Modified on 10/29/1998 (Entered: 10/29/1998)
11/03/1998	12	Notice of reassignment to Judge Barbara S. Jones Copy of notice and judge's rules mailed to Attorney(s) of record: Rashaad Marria . (bm) (Entered: 01/15/1999)
12/30/1998	11	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial/Including Initial Case Management Conference (signed by Judge Barbara S. Jones) Referred to Magistrate Judge Kevin Nathaniel Fox (lam) (Entered: 01/05/1999)
03/26/1999	13	NOTICE of attorney appearance for Rashaad Marria by Laurent Sacharoff. (kw) (Entered: 03/29/1999)
03/31/1999	14	Affidavit of service as to Raymond Broaddus by Maryanne Richards, Sec. on 3/30/99. Answer due on 4/19/99 for Raymond Broaddus. (lam) (Entered: 04/07/1999)
03/31/1999	15	Affidavit of service as to Warith Deen Umar by Connie Sgarlata, Sec. on 3/30/99. Answer due on 4/19/99 for Warith Deen Umar. (lam) (Entered: 04/07/1999)
03/31/1999	16	Affidavit of service as to Glenn Goord by Donald Matusik, Asst. Counsel on 3/30/99. Answer due on 4/19/99 for Glenn Goord. (lam) (Entered: 04/07/1999)
04/12/1999	17	RETURN OF SERVICE executed as to G. Blaetz by Sandra Renihan, Principal Clerk on 3/31/99. Answer due on 4/20/99 for G. Blaetz. (lam) (Entered: 04/13/1999)
04/12/1999	17	RETURN OF SERVICE executed as to G. Blaetz by mail on 4/1/99. Answer due on 4/21/99 for G. Blaetz. (lam) (Entered: 04/13/1999)
04/21/1999	18	Affidavit of service as to Warith Deen Umar by personal service on 4/16/99. Answer due on 5/6/99 for Warith Deen Umar. (kw) (Entered: 04/27/1999)
05/07/1999	19	ANSWER to Complaint by Raymond Broaddus, G. Blaetz, Warith Deen Umar, Glenn Goord; by attorney Alan R. Kusinitz. (ri) (Entered: 05/14/1999)
05/21/1999	20	ORDER, for a conference, pursuant to Rule 16(b), on 6/9/99 at 11:45 a.m. (signed by Magistrate Judge Kevin Nathaniel Fox); Copies mailed (kw) (Entered: 05/24/1999)

05/28/1999	21	Filed Memo-Endorsement on letter from Laurent A. Sacharoff, atty for pltff dated 5/26/99, reset initial pre-trial conference for 11:45 6/29/99 ; pltff's counsel is to notify opposing counsel of the new date and time (signed by Magistrate Judge Kevin Nathaniel Fox) (lam) (Entered: 05/28/1999)
06/29/1999	24	Filed Memo-Endorsement on letter addressed to Magistrate Judge Kevin Fox from Laurent A. Sacharoff, dated 6/28/99, counsel, for plaintiff, requests an extension to file the proposed scheduling order until tomorrow morning. Application granted (signed by Magistrate Judge Kevin Nathaniel Fox); Copies mailed. (kw) (Entered: 07/01/1999)
06/29/1999		Initial Pretrial Conference held before Magistrate Judge Kevin Nathaniel Fox . (jp) (Entered: 07/06/1999)
06/30/1999	22	CONFIDENTIALITY STIPULATION and ORDER; regarding procedures that will govern the handling of confidential documents. (signed by Judge Barbara S. Jones). (emil) (Entered: 07/01/1999)
06/30/1999	23	SCHEDULING ORDER: Deponents to be taken in Aug. and Sept. subject to the schedules of the officials - i) Plaintiff, ii) Ronald Holvey, iii) Paul Annetts, iv) Smith, director of the crisis intervention unit for DOCS - Sept. 7, v) Richard Roy, vi) Deft Warith Deen Umar, vii) Deft Raymond Broaddus, viii) Deft G. Blaetz, ix) Deft Glenn Goord, x) Any other witnesses who are identified through discovery; On 7/12/99, the pltff shall serve on defts interrogatories and documents requests; 7/19/99, the defts shall serve on the pltff interrogatories and documents requests; On 8/12/99, defts shall answer pltff's interrogatories and produce the requested documents, subject to objections; On 8/19/99, pltff shall answer defts' interrogatories and produce the requested documents, subject to objections; Each party shall supply its adversary any expert reports by 9/30/99; The parties will schedule depositions of the experts within a month of receiving the expert reports, consistent with the schedules of the experts. The pltff's expert will be deposed before the defts'; The parties' experts will be permitted to supplement their reports if necessary by 10/15/99; Telephone conference to be held on 10/13/99 at 11:45 a.m.; Discovery ends 11/30/99; Settlement conference to be held on 12/7/99 at 2:30 p.m.; Pltff will supply his pretrial order materials to defts by 12/10/99; Parties will submit pretrial order, briefs and other materials to Court by 1/14/99; Final pretrial conference to be held on 1/25/00 at 11:00 a.m.; The parties anticipate a five day trial before jury. (signed by Magistrate Judge Kevin Nathaniel Fox) ; Copies mailed (emil) (Entered: 07/01/1999)
07/29/1999	25	AMENDED SCHEDULING ORDER: depositions as set forth in this document; interrogatories and document production as set forth in this document; each party shall supply its adversary any expert reports by 11/1/99. The parties will schedule depositions of the experts within two weeks of receiving the expert reports, consistent with the schedules of the experts. The plaintiff's expert will be deposed before the defendants'. Telephone conference set for 12/1/99 at 11:45 a.m.; discovery ends 12/15/99; settlement conference set for 1/4/00 at 2:30 p.m. If the defendants move for summary judgment: the defendants must serve their motion and supporting papers on plaintiff by January 28; the plaintiff must serve his opposition on defendants by 2/18/99; the reply by 2/28/99. If the defendant does not move for summary judgment: plaintiff will supply his pre-trial order materials to defendants by 12/23/99; parties will submit pre-trial order, briefs and other

		materials to Court by 1/21/00; final pre-trial conference set for 2/1/00 at 11:00 a.m. (signed by Magistrate Judge Kevin Nathaniel Fox); Copies mailed (kw) (Entered: 08/02/1999)
07/29/1999		Telephone Conference set for 11:45 a.m. on 12/1/99 before Magistrate Judge Kevin Nathaniel Fox. (kw) (Entered: 08/02/1999)
07/29/1999		Settlement Conference set for 2:30 p.m. on 1/4/00 before Magistrate Judge Kevin Nathaniel Fox. (kw) (Entered: 08/02/1999)
09/24/1999		USCA appeal fees received \$ 105.00 September 23, 1999 on receipt # E 355393. (dt) (Entered: 09/24/1999)
09/27/1999		Tele. Status Conference held before Magistrate Judge Kevin Nathaniel Fox (ls) (Entered: 10/12/1999)
09/29/1999	26	ORDER that the case management order previously issued by the Court is modified; the parties shall complete all depositions relevant to this action by 12/31/99 ; reset defts' answers to plttf's interrogatories due for 10/29/99 ; reset defts' response to plttf's request for production of documents due for 10/29/99 ; defts shall serve their interrogatories and document request on plttf by 10/29/99 ; plttf shall answer defts' interrogatories and respond to defts' document requests by 11/12/99; expert reports shall be provided by each party to the adversary party by 1/5/00 ; expert depositions shall be conducted by the parties by 1/19/00 ; reset telephone status conference for 1:15 1/24/00 ; reset all discovery due for 2/10/00 ; reset settlement conference for 2:30 3/1/00 ; defts shall serve any motion for summary judgment by 3/13/00; plttf shall serve any response to the motion by 3/27/00; and defts shall serve any reply papers by 4/3/00 (signed by Magistrate Judge Kevin Nathaniel Fox); Copies mailed by Chambers. (lam) (Entered: 09/30/1999)
10/04/1999	27	AMENDED ORDER, by 12/31/99 the parties shall complete all depositions relevant to this action ; by 10/29/99 defendants shall answer plaintiff's interrogatories and shall respond to plaintiff's request for the production of documents ; by 10/29/99 defendants shall serve their interrogatories and document requests on plaintiff ; by 11/12/99 plaintiff shall answer defendants' interrogatories and shall respond to defendants' documents requests; by 1/5/00 expert reports shall be provided by each party to the adversary party; by 1/19/00 expert depositions shall be conducted by the parties ; a telephonic status conference shall be held on 1/24/00 at 1:15 p.m. counsel to the plaintiff shall initiate the conference; all discovery shall be initiated so as to be completed by 2/10/00 ; set settlement conference for 2:30 p.m. on 3/1/00 ; by 3/13/00 defendants shall serve any motion for summary judgment; by 3/27/00 plaintiff shall serve any response to the motion; and by 4/3/00 defendants shall serve any reply papers (signed by Magistrate Judge Kevin Nathaniel Fox); Copies mailed. (kw) (Entered: 10/06/1999)
11/04/1999	28	Notice of attorney appearance for Rashaad Marria by Amy I. Kroe. (kg) (Entered: 11/05/1999)
11/16/1999	29	Notice of reassignment to Judge Naomi R. Buchwald Copy of notice and judge's rules mailed to Attorney(s) of record: Amy I. Kroe, Laurent Sacharoff, Rashaad Marria . (bm) (Entered: 11/23/1999)

12/02/1999		Telephone Conference held before Magistrate Judge Kevin Nathaniel Fox. (pl) (Entered: 01/10/2000)
12/06/1999	30	ORDER, an Assistant Atty Genl may take the deposition of plntf Marria before a notary public, or some other officer authorized to administer oaths by the laws of the US or of the State of NY, at any correctional facility operated and controlled by the NYS Dept of Correctional Services, upon 14 day notice to plntf's attorneys and the superintendent of the correctional facility, and, upon three day notice to plntf (signed by Magistrate Judge Kevin Nathaniel Fox); Copies mailed. (cd) (Entered: 12/07/1999)
12/20/1999	31	STIPULATION and ORDER; that the Complt. is deemed to be amended and supplemented to allege that the pltff is being denied access to the Five Percenter newspaper at Shawangunk Correctional Facility and would be denied access to the Five Percenter newspaper at any other correctional facility operated and controlled by DOCS; that the Complt. is deemed to be amended and supplemented to allege that the denial of access to the Five Percenter newspaper violates pltff's federal constitutional rights ; that this stipulation and order has no effect on any other material allegation contained in the Complt. ; that the Answer is deemed to be amended and supplemented to admit that the pltff is being denied access to the Five Percenter newspaper at Shawangunk Correctional Facility and would be denied access to the Five Percenter newspaper at any other correctional facility operated and controlled by DOCS; that the Answer is deemed to be amended and supplemented to deny that the defts have violated the pltff's federal constitutional rights ; that this Stipulation and Order has no effect on any other response contained in the Answer ; (signed by Magistrate Judge Kevin Nathaniel Fox) (ls) (Entered: 12/21/1999)
01/25/2000	32	ORDER; reset settlement conference for 2:30 3/9/00 at 40 Centre Street, Courtroom 519 . (signed by Magistrate Judge Kevin Nathaniel Fox); Copies mailed. (pl) (Entered: 01/26/2000)
01/25/2000		Status Conference held before Magistrate Judge Kevin Nathaniel Fox. (pl) (Entered: 02/08/2000)
02/16/2000	33	Memo-Endorsement on letter addressed to Judge Buchwald from Amy I. Kroe, dated 2/14/00, re: granting the plaintiff's request for an extension on the following documents: expert reports due on 3/10/00; expert depositions to be completed by 3/20/00 ; reset settlement conference with Mag. Judge Fox on 3/20/00; Final extensions. A report to the Court on the conference before Judge Fox must precede any motions . (signed by Judge R. Buchwald); Copies mailed. (pl) Modified on 02/18/2000 (Entered: 02/17/2000)
02/18/2000	34	Amended STIPULATION and ORDER of Confidentiality; regarding procedures that will govern the handling of all "documents" provided by any party or non-party in connection with this action ; (signed by Magistrate Judge Kevin Nathaniel Fox) (dj) (Entered: 02/22/2000)
04/20/2000		Telephone Conference held before Judge Naomi R. Buchwald . (dj) (Entered: 04/26/2000)
06/05/2000	35	Memo-Endorsement on letter addressed to Judge Buchwald from Stephanie Vullo, dated 6/2/00; granting defts' request for an extension of the twenty-five

		page limit to no more than thirty-five pages for defts' combined motion for summary jdgmt. and to disqualify plttf's expert ; (signed by Judge Naomi R. Buchwald); Copies mailed. (lf) Modified on 06/07/2000 (Entered: 06/06/2000)
09/06/2000	36	(REDACTED) NOTICE OF MOTION (Filed on Service Date) by Raymond Broaddus, G. Blaetz, Warith Deen Umar, Glenn Goord for an order, purs. to Rule 56 of the FRCP, granting summary judgment in favor of defts ; and for an order, purs. to Rules 702 and 703 of the Federal Rules of Evidence, excluding witness testimony and report ; Return date not indicated. Rule 56.1 Statement in support attached. (sac) (Entered: 10/02/2000)
09/06/2000	37	(REDACTED) MEMORANDUM OF LAW by Raymond Broaddus, G. Blaetz, Warith Deen Umar, Glenn Goord in support of [36-1] motion for an order, purs. to Rule 56 of the FRCP, granting summary judgment in favor of defts, [36-2] motion for an order, purs. to Rules 702 and 703 of the Federal Rules of Evidence, excluding witness testimony and report. (sac) (Entered: 10/02/2000)
09/06/2000	38	(REDACTED) DECLARATION of Stephanie Vullo by Raymond Broaddus, G. Blaetz, Warith Deen Umar, Glenn Goord in support Re: [36-1] motion for an order, purs. to Rule 56 of the FRCP, granting summary judgment in favor of defts, [36-2] motion for an order, purs. to Rules 702 and 703 of the Federal Rules of Evidence, excluding witness testimony and report. (sac) (Entered: 10/02/2000)
09/06/2000	39	(REDACTED) DECLARATION of Virginia A. Blaetz by Raymond Broaddus, G. Blaetz, Warith Deen Umar, Glenn Goord in support Re: [36-1] motion for an order, purs. to Rule 56 of the FRCP, granting summary judgment in favor of defts, [36-2] motion for an order, purs. to Rules 702 and 703 of the Federal Rules of Evidence, excluding witness testimony and report. (sac) (Entered: 10/02/2000)
09/06/2000	40	(REDACTED) DECLARATION of Imam Warith Deen Umar by Raymond Broaddus, G. Blaetz, Warith Deen Umar, Glenn Goord in support Re: [36-1] motion for an order, purs. to Rule 56 of the FRCP, granting summary judgment in favor of defts, [36-2] motion for an order, purs. to Rules 702 and 703 of the Federal Rules of Evidence, excluding witness testimony and report. (sac) (Entered: 10/02/2000)
09/06/2000	41	(REDACTED) DECLARATION of Dr. Raymond Broaddus by Raymond Broaddus, G. Blaetz, Warith Deen Umar, Glenn Goord in support Re: [36-1] motion for an order, purs. to Rule 56 of the FRCP, granting summary judgment in favor of defts, [36-2] motion for an order, purs. to Rules 702 and 703 of the Federal Rules of Evidence, excluding witness testimony and report. (sac) (Entered: 10/02/2000)
09/06/2000	42	(REDACTED) DECLARATION of Keith Dubray by Raymond Broaddus, G. Blaetz, Warith Deen Umar, Glenn Goord in support Re: [36-1] motion for an order, purs. to Rule 56 of the FRCP, granting summary judgment in favor of defts, [36-2] motion for an order, purs. to Rules 702 and 703 of the Federal Rules of Evidence, excluding witness testimony and report. (sac) (Entered: 10/02/2000)
09/06/2000	43	(REDACTED) DECLARATION of Dale Artus by Raymond Broaddus, G. Blaetz, Warith Deen Umar, Glenn Goord in support Re: [36-1] motion for an order, purs. to Rule 56 of the FRCP, granting summary judgment in favor of defts, [36-2] motion for an order, purs. to Rules 702 and 703 of the Federal Rules of

		Evidence, excluding witness testimony and report. (sac) (Entered: 10/02/2000)
09/06/2000	44	(REDACTED) DECLARATION of Randy Zimpfer by Raymond Broaddus, G. Blaetz, Warith Deen Umar, Glenn Goord in support Re: [36-1] motion for an order, purs. to Rule 56 of the FRCP, granting summary judgment in favor of defts, [36-2] motion for an order, purs. to Rules 702 and 703 of the Federal Rules of Evidence, excluding witness testimony and report. (sac) (Entered: 10/02/2000)
09/06/2000	45	(REDACTED) DECLARATION by Raymond Broaddus, G. Blaetz, Warith Deen Umar, Glenn Goord in support Re: [36-1] motion for an order, purs. to Rule 56 of the FRCP, granting summary judgment in favor of defts, [36-2] motion for an order, purs. to Rules 702 and 703 of the Federal Rules of Evidence, excluding witness testimony and report. (sac) (Entered: 10/02/2000)
09/06/2000	46	(REDACTED) DECLARATION by Raymond Broaddus, G. Blaetz, Warith Deen Umar, Glenn Goord in support Re: [36-1] motion for an order, purs. to Rule 56 of the FRCP, granting summary judgment in favor of defts, [36-2] motion for an order, purs. to Rules 702 and 703 of the Federal Rules of Evidence, excluding witness testimony and report. (sac) (Entered: 10/02/2000)
09/06/2000	47	(REDACTED) DECLARATION by Raymond Broaddus, G. Blaetz, Warith Deen Umar, Glenn Goord in support Re: [36-1] motion for an order, purs. to Rule 56 of the FRCP, granting summary judgment in favor of defts, [36-2] motion for an order, purs. to Rules 702 and 703 of the Federal Rules of Evidence, excluding witness testimony and report. (sac) (Entered: 10/02/2000)
10/04/2000	48	Memo-Endorsement on letter addressed to Judge Buchwald from Amy I. Berman, dated 10/3/00; granting for plttff's request for the following: a 10-page extension of the 25 page limit to respond to defts motion for summary judgment and to exclude plttff's testimony and report ; plttffs' response to motion reset to 10/9/00 for [36-1] motion for an order, purs. to Rule 56 of the FRCP, granting summary judgment in favor of defts, reset to 10/9/00 for [36-2] motion for an order, purs. to Rules 702 and 703 of the Federal Rules of Evidence, excluding witness testimony and report ; (signed by Judge Naomi R. Buchwald); Copies mailed. (lf) Modified on 10/06/2000 (Entered: 10/05/2000)
10/10/2000	49	STIPULATION and ORDER, withdrawing [36-1] motion for an order, purs. to Rule 56 of the FRCP, granting summary judgment in favor of defts, and withdrawing [36-2] motion for an order, purs. to Rules 702 and 703 of the Federal Rules of Evidence, excluding witness testimony and report; defendants also withdraw the request that the original motions for summary judgment and exclusion of plaintiffs expert testimony be filed under seal ; plaintiff will request a pre-motion conference to move to amend the complaint. Defendants will be permitted to move for summary judgment after the motion to amend the complaint is decided . (signed by Judge Naomi R. Buchwald) (kw) (Entered: 10/11/2000)
10/18/2000		Motion papers withdrawn from Clerk's Office - documents #36-47 on 10/18/00 by Stephanie Vullo, Asst. Atty. General - Bryon Lee AAG (rag) (Entered: 10/18/2000)
10/25/2000	50	Memo-Endorsement on letter addressed to Judge Buchwald from Amy I. Berman, dated 10/23/00. Set plaintiff amended complaint due for 11/3/00 ; defendants to serve and file an answer by 11/24/00 . (signed by Judge Naomi R. Buchwald);

		Copies mailed. (kw) (Entered: 10/26/2000)
10/25/2000	51	ORDER; an assistant attorney general may take the deposition of plttf, before a notary public, or some other officer authorized to administer oaths by the laws of the U.S. or of the State of NY, at any correctional facility operated and controlled by the NYS Dept. of Correctional Services, upon 14 days notice to plttf's attorneys and the superintendent of the correctional facility, and upon 3 day notice to plttf . (signed by Judge Naomi R. Buchwald); Copies mailed. (sn) (Entered: 10/27/2000)
11/03/2000	52	AMENDED COMPLAINT by Rashaad Marria (Answer due 11/16/00 for Glenn Goord, for Warith Deen Umar, for G. Blaetz, for Raymond Broaddus) amending [2-1] complaint ; Summons issued. (jp) (Entered: 11/06/2000)
11/03/2000	53	NOTICE of attorney appearance for Rashaad Marria by Elise S. Zealand. (jp) (Entered: 11/06/2000)
11/17/2000	54	ANSWER to Amended Complaint by Raymond Broaddus, G. Blaetz, Warith Deen Umar, Glenn Goord (Attorney Stephanie Vullo from the Firm: Attorney General NYS). (cd) (Entered: 11/20/2000)
11/20/2000	55	Memo-Endorsement on letter addressed to Judge Buchwald from Elise S. Zealand, dated 11/17/00. Re: approving the following proposed schedule with respect to defts' motion for summary jdgmt.: defts to serve their motion - 2/16/01 ; plttf to respond to the motion - 3/9/01; defts to reply to plttf's response - 3/21/01 ; (signed by Judge Naomi R. Buchwald); Copies mailed. (lf) (Entered: 11/21/2000)
11/27/2000		Pretrial Conference held before Judge Naomi R. Buchwald . (jp) (Entered: 11/30/2000)
11/30/2000	56	ANSWER to Amended Complaint by Raymond Broaddus, G. Blaetz, Warith Deen Umar, Glenn Goord (Attorney Stephanie Vullo from the Firm: Attorney General NYS). (cd) (Entered: 12/01/2000)
02/14/2001	57	Memo-Endorsement on letter addressed to Judge Buchwald from Stephanie Vullo, dated 2/12/01; granting counsel for defts' request to amend the briefing schedule for defts' motion for summary judgment and to exclude plttf's expert, and for plttf's cross motion to exclude defts' expert: Service of motion on 3/16/01; service of opposition papers and cross motion on 4/16/01; and service of reply papers on 5/4/01 . (signed by Judge Naomi R. Buchwald); Copies mailed. (sn) (Entered: 02/15/2001)
03/13/2001	58	Memo-Endorsement on letter addressed to Judge Buchwald from Benjamin J. Lee, dated 03/12/01; defendants shall serve motion for summary judgment and to exclude plaintiff's expert on March 21, 2001 ; plaintiff shall reply and cross move on 04/23/01; and defendants shall reply on 05/04/01 ; (signed by Judge Naomi R. Buchwald); Copies mailed. (dj) (Entered: 03/14/2001)
03/21/2001	69	NOTICE OF MOTION (FILED ON SERVICE DATE) by Raymond Broaddus, G. Blaetz, Warith Deen Umar, and Glenn Goord, for an order granting summary judgment pursuant to Rule 56 of the FRCP ; for an order pursuant to Rules 702 and 703 of the Federal Rules of Evidence . No return date. Rule 56.1 statement is attached. (kw) (Entered: 06/08/2001)

04/18/2001	59	Memo-Endorsement on letter addressed to Judge Buchwald from Elise S. Zealand, dated 04/17/01. Plaintiff shall respond to defendant's motion for summary judgment by 04/30/01 ; plaintiff shall cross move to exclude defendants' expert by 04/30/01 ; Defendant's reply to plaintiff's brief and response to plaintiff's cross-motion due by 05/14/01 ; (signed by Judge Naomi R. Buchwald); Copies mailed. (djc) (Entered: 04/18/2001)
04/20/2001	61	ORDER; that the documents as set forth & listed in this order are to be submitted in support of defts' motion for summary judgment and motion to exclude plttffs expert testimony and report are filed with the Clerkof the Court under seal. (signed by Judge Naomi R. Buchwald); Copies mailed. (sac) Modified on 04/25/2001 (Entered: 04/24/2001)
04/23/2001	60	SEALED DOCUMENT placed in vault. (dn) (Entered: 04/23/2001)
05/01/2001	62	Memo-Endorsement on letter addressed to Judge Buchwald from Stephanie Vullo, dated 4/30/01. Re: defendants request until 6/1/01 to file reply for their motion for summary judgment. While under the circumstances, this request is reasonable, all parties should be aware that this is the final extension that will be granted . (signed by Judge Naomi R. Buchwald); Copies mailed. (kw) (Entered: 05/02/2001)
05/03/2001	65	Document placed under seal. (pl) Modified on 05/14/2001 (Entered: 05/10/2001)
05/08/2001	63	SEALED DOCUMENT placed in vault. (rp) (Entered: 05/08/2001)
05/08/2001	64	SEALED DOCUMENT placed in vault. (rp) (Entered: 05/08/2001)
05/21/2001	66	ORDER to File Plaintiff's Opposition to Defendants' Motion for Summary Judgment and to Exclude Defendants' Expert Testimony and Report under Seal; the documents submitted in support of plaintiff's opposition to defendants' motion for summary judgment and motion to exclude defendants' expert testimony and report are to be filed with the Clerk of the Court under seal ; a fully redacted copy of plaintiff's opposition to defendants' motion shall be publicly filed ; (signed by Judge Naomi R. Buchwald); Copies mailed. (djc) Modified on 05/22/2001 (Entered: 05/21/2001)
05/23/2001	67	SEALED DOCUMENT placed in vault. (wv) (Entered: 05/23/2001)
06/05/2001	70	DECLARATION of by Glenn Goord in support Re: [69-1] motion for an order granting summary judgment pursuant to Rule 56 of the FRCP. (kw) (Entered: 06/08/2001)
06/05/2001	71	DECLARATION on behalf of defendants in support Re: [69-1] motion for an order granting summary judgment pursuant to Rule 56 of the FRCP. (kw) (Entered: 06/08/2001)
06/05/2001	72	DECLARATION on behalf of defendants in support Re: [69-1] motion for an order granting summary judgment pursuant to Rule 56 of the FRCP. (kw) (Entered: 06/08/2001)
06/05/2001	73	DECLARATION of Keith Dubray by defendants in support Re: [69-1] motion for an order granting summary judgment pursuant to Rule 56 of the FRCP. (kw) (Entered: 06/08/2001)

06/05/2001	74	DECLARATION of Raymond Broaddus in support Re: [69-1] motion for an order granting summary judgment pursuant to Rule 56 of the FRCP. (kw) (Entered: 06/08/2001)
06/05/2001	75	DECLARATION of Warith Deen Umar in support Re: [69-1] motion for an order granting summary judgment pursuant to Rule 56 of the FRCP. (kw) (Entered: 06/08/2001)
06/05/2001	76	DECLARATION on behalf of defendants in support Re: [69-1] motion for an order granting summary judgment pursuant to Rule 56 of the FRCP. (kw) (Entered: 06/08/2001)
06/05/2001	77	DECLARATION on behalf of defendants in support Re: [69-1] motion for an order granting summary judgment pursuant to Rule 56 of the FRCP. (kw) (Entered: 06/08/2001)
06/05/2001	78	DECLARATION of G. Blaetz in support Re: [69-1] motion for an order granting summary judgment pursuant to Rule 56 of the FRCP. (kw) (Entered: 06/08/2001)
06/05/2001	79	DECLARATION of Zimpfer by defendants in support Re: [69-1] motion for an order granting summary judgment pursuant to Rule 56 of the FRCP. (kw) (Entered: 06/08/2001)
06/05/2001	80	DECLARATION of Vullo by defendants in support Re: [69-1] motion for an order granting summary judgment pursuant to Rule 56 of the FRCP. (kw) (Entered: 06/08/2001)
06/05/2001	81	MEMORANDUM OF LAW by Raymond Broaddus, G. Blaetz, Warith Deen Umar, and Glenn Goord in support of [69-1] motion for an order granting summary judgment pursuant to Rule 56 of the FRCP. (kw) (Entered: 06/08/2001)
06/06/2001	68	ORDER; the following documents submitted in support of defts' motion for summary judgment and motion to exclude plttf's expert testimony and report are to be filed with the Clerk of the Court under seal: 1) Reply Memorandum of Law in support of motion; and 2) Artus Reply Declaration dated 5/29/01. A fully redacted copy of defts' motion shall be publicly filed. (signed by Judge Naomi R. Buchwald); Copies mailed. (sac) (Entered: 06/07/2001)
06/07/2001	82	Memo-Endorsement on letter addressed to Judge Buchwald from Elise Zealand, dated 6/6/01; granting counsel for the plaintiff's request to file a ten page reply/sur-reply brief on 6/29/01 . (signed by Judge Naomi R. Buchwald); Copies mailed. (kkc) (Entered: 06/08/2001)
06/11/2001	83	SEALED DOCUMENT placed in vault. (rp) (Entered: 06/11/2001)
06/19/2001	84	REDACTED REPLY MEMORANDUM OF LAW by Raymond Broaddus, G. Blaetz, Warith Deen Umar, Glenn Goord in support of: [69-1] motion for an order granting summary judgment pursuant to Rule 56 of the FRCP, [69-2] motion for an order pursuant to Rules 702 and 703 of the Federal Rules of Evidence. (kkc) (Entered: 06/22/2001)
06/19/2001	85	REDACTED DECLARATION of Dale A. Artus by Raymond Broaddus, G. Blaetz, Warith Deen Umar, Glenn Goord in further support of: [69-1] motion for an order granting summary judgment pursuant to Rule 56 of the FRCP, [69-2]

		motion for an order pursuant to Rules 702 and 703 of the Federal Rules of Evidence. (kkc) (Entered: 06/22/2001)
07/03/2001	87	ORDER, to file plaintiff's reply memorandum in support of plaintiff's motion to exclude defendant's expert testimony and sur-reply in opposition to defendants' motion for summary judgment and to exclude plaintiff's expert testimony under seal . (signed by Judge Naomi R. Buchwald); Copies mailed. (ae) (Entered: 07/05/2001)
07/05/2001	86	SEALED DOCUMENT placed in vault. (rp) (Entered: 07/05/2001)
07/05/2001	88	REPLY MEMORANDUM by Rashaad Marria re: plntf's motion to exclude defts' expert testimony (cd) (Entered: 07/06/2001)
07/05/2001	89	Reply affidavit of Rashaad Marria by Rashaad Marria in support of plntf's oppositon to defts' motion for summary judgment (cd) (Entered: 07/06/2001)
07/05/2001	90	DECLARATION of Cee Barnes by Rashaad Marria in support Re: plntf's opposition to defts' motion for summary judgment (cd) (Entered: 07/06/2001)
07/05/2001	91	DECLARATION of Rahiem Buford by Rashaad Marria in support Re: ban on the Nation of Gods and Earths' lieterature, newspapers (cd) (Entered: 07/06/2001)
07/05/2001	92	DECLARATION of Gabriel Clausen by Rashaad Marria in support Re: plntf's opposition to defts' motion for summary judgment (cd) (Entered: 07/06/2001)
10/26/2001		Oral argument held before Judge Naomi R. Buchwald. (kw) (Entered: 11/01/2001)
11/15/2001	93	ORDER, defts' Letter submission in support of motion for summary judgment and to exclude plttf's expert testimony and report is to be filed with the Clerk of the Court under seal. A fully redacted copy of defts' letter shall be publicly filed . (signed by Magistrate Judge Naomi R. Buchwald); Copies mailed. (kg) (Entered: 11/16/2001)
11/20/2001	94	SEALED DOCUMENT placed in vault. (wv) (Entered: 11/20/2001)
11/27/2001	95	Letter filed by Raymond Broaddus, G. Blaetz, Warith Deen Umar, Glenn Goord addressed to Judge Buchwald from Benjamin Lee, dated 11/7/01; counsel writes to request that defendants' summary judgment motion be granted. (kkc) (Entered: 11/30/2001)
12/04/2001	96	Transcript of record of proceedings before Judge Naomi R. Buchwald for the date(s) of 10/26/01. (moc) (Entered: 12/04/2001)
03/27/2002	97	ORDER, defts' motion to exclude the Bair Report is denied and plntf's moiton to exclude the Camp Report is granted ; granting in part, denying in part [69-1] motion for an order granting summary judgment pursuant to Rule 56 of the FRCP (denied as to plntf's First Amendment and RLUIPA claims and granted o to dismiss plntf's due process claim on qualified immunity grounds); a conference has beens sceduled to discuss further proceedings on 4/18/02, at 4:00 pm (signed by Judge Naomi R. Buchwald); Copies mailed. (cd) (Entered: 04/01/2002)
04/05/2002	98	NOTICE of attorney appearance for Rashaad Marria, Raymond Broaddus, G. Blaetz, Warith Deen Umar, Glenn Goord by Benjamin J. Lee. (cd) (Entered: 04/05/2002)

		04/08/2002)
04/18/2002		PRETRIAL CONFERENCE held before Judge Naomi R. Buchwald . (cd) (Entered: 04/26/2002)
09/30/2002		PRETRIAL CONFERENCE held on 9/30/02 before Judge Naomi R. Buchwald . (sb) (Entered: 10/07/2002)
10/28/2002		Bench trial begun on 10/28/02 before Judge Naomi R. Buchwald . (sb) (Entered: 11/18/2002)
10/28/2002		CASE NO LONGER REFERRED to Magistrate Judge Kevin Nathaniel Fox. (rag,) (Entered: 03/29/2004)
10/29/2002		Bench trial continued on 10/29/02 before Judge Naomi R. Buchwald . (sb) (Entered: 11/18/2002)
10/30/2002		Bench trial continued on 10/30/02 before Judge Naomi R. Buchwald . (sb) (Entered: 11/18/2002)
10/31/2002		Bench trial held on 10/31/02 before Judge Naomi R. Buchwald . (sb) (Entered: 11/18/2002)
11/01/2002		Bench trial concluded on 11/1/02 before Judge Naomi R. Buchwald . (sb) (Entered: 11/18/2002)
11/14/2002	99	Memorandum to Docket Clerk: Trial begun on 10/28/02 before Judge Buchwald. Trial continued on 10/29/02, 10/30/02, and 10/31/02. Trial concluded on 11/1/02. Decision reserved. (sb) (Entered: 11/18/2002)
11/22/2002	100	PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW by Rashaad Marria. Received in night deposit box on 11/22/02 at 7:18 p.m. (yv) (Entered: 12/02/2002)
12/05/2002	101	Transcript of record of proceedings before Judge Naomi R. Buchwald for the date(s) of 10/28,29,30,31/02. (dt) (Entered: 12/06/2002)
12/06/2002	102	Transcript of record of proceedings before Judge Naomi R. Buchwald for the date(s) of 11/1,4,5,6,7,8/02. (dt) (Entered: 12/06/2002)
01/03/2003	103	PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW by Raymond Broaddus, G. Blaetz, Warith Deen Umar, Glenn Goord . (cd) (Entered: 01/08/2003)
07/31/2003	104	OPINION AND ORDER #88835; that the DOCS conform its policies concerning the group known as the Nation of Gods and Earths with this ruling, and further that DOC report the results of that policy reevaluation to the Court in sixty days . (signed by Judge Naomi R. Buchwald); (pl) (Entered: 08/04/2003)
09/23/2003	105	Memo-Endorsement on letter addressed to Judge Buchwald from Rebecca Ann Durden, dated 9/17/03; granting defts' application for an extension of time to and including 10/29/03 to comply with the Court's 7/31/03 order. However, no further adjournments will be granted. (signed by Judge Naomi R. Buchwald); (sac) (Entered: 09/26/2003)

11/18/2003		PRETRIAL CONFERENCE held before Judge Naomi R. Buchwald . (ae) (Entered: 11/21/2003)
03/31/2004	106	ENDORSED LETTER addressed to Judge Naomi Reice Buchwald from Benjamin Lee dated 3/31/04 re: The parties submit this joint letter to inform the Court of the status of this case and request permission to make a simultaneous submission by 5/12/04. So Ordered. (Signed by Judge Naomi Reice Buchwald on 3/30/04) (jco,) (Entered: 04/02/2004)
05/10/2004	107	ENDORSED LETTER addressed to Judge Naomi Reice Buchwald from Benjamin Lee dated 5/6/04 re: Counsel for defendants write to request a two week extension of time to 5/26/04 to make further submissions regarding DOCS' proposed protocols. So Ordered. (Signed by Judge Naomi Reice Buchwald on 5/7/04) (jco,) (Entered: 05/11/2004)
05/26/2004	109	MEMORANDUM OF LAW in Support of their application for an Order adopting defendants' proposed protocols. Document filed by G. Blaetz, Raymond Broaddus, Glenn Goord, Warith Deen Umar. (jco,) (Entered: 06/01/2004)
05/26/2004	110	DECLARATION of Lucien Leclaire in Support of defendants' application for an order adopting doc's proposed protocols. Document filed by G. Blaetz, Raymond Broaddus, Glenn Goord, Warith Deen Umar. (jco,) (Entered: 06/01/2004)
05/27/2004	108	ENDORSED LETTER addressed to Judge Buchwald from Damore Viola dated 5/26/04 re: granting counsel's request for an extension of time until June 1st to make a further submission regarding DOCS's proposed prootocols. (Signed by Judge Naomi Reice Buchwald on 5/26/04) (dj,) (Entered: 05/28/2004)
06/03/2004	111	Letter addressed to Judge Naomi Reice Buchwald from Damore Ashon Viola dated 6/1/04 re: this letter sets forth Plaintiff Intelligent Allah's response to the Protocols for Sincere Adherents of Nation of Gods and Earths Religious Practices submitted by the Department of Correctional Services. Document filed by Rashaad Marria.(sac,) (Entered: 06/07/2004)
06/09/2004		Minute Entry for proceedings held before Judge Naomi Reice Buchwald : Telephone Conference held on 6/9/2004. (jco,) (Entered: 06/15/2004)
07/30/2004	112	OPINION AND ORDER; Based on the foregoing (as stated in this Opinion and Order) defendants' application for an order adopting DOC's proposed protocols is granted. All issues now having been resolved, the Clerk of the Court is respectfully requestesd to close this case on the Court's docket. (Signed by Judge Naomi Reice Buchwald on 7/29/04) (dj,) (Entered: 08/04/2004)
08/04/2004		Transmission to Judgments and Orders Clerk. Transmitted re: [112] Order,, to the Judgments and Orders Clerk for preparation of Judgment. (dj,) (Entered: 08/04/2004)
08/05/2004	113	CLERK'S JUDGMENT granting defendants' application for an order adopting DOC's proposed protocols. (Signed by J. Michael McMahon, clerk on 8/5/04) (ml,) (Entered: 08/05/2004)
08/17/2004		Mailed notice of Right to Appeal to Attorney(s) of Record: Amy I. Kroe, Alan R. Kusinitz, Benjamin J. Lee, Laurent Sacharoff, Stephanie Vullo, Elise S. Zealand. (snu,) (Entered: 08/17/2004)

09/22/2004	114	NOTICE OF APPEAL from [113] Clerk's Judgment. Document filed by Rashaad Marria. Copies of Notice of Appeal mailed to Attorney(s) of Record: Attorney General, NYS. (tp,) (Entered: 10/13/2004)
09/22/2004		Appeal Remark as to [114] Notice of Appeal filed by Rashaad Marria. \$255.00 APPEAL FEE DUE. Motion for Extension of Time GRANTED on 9/9/04. (tp,) (Entered: 10/13/2004)
10/13/2004		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: [114] Notice of Appeal. (tp,) (Entered: 10/13/2004)
10/13/2004		Transmission of Notice of Appeal to the District Judge re: [114] Notice of Appeal. (tp,) (Entered: 10/13/2004)
10/15/2004	115	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for [114] Notice of Appeal filed by Rashaad Marria 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (tp,) (Entered: 10/15/2004)
10/15/2004		Appeal Record Sent to USCA (File). Indexed record on Appeal Files for [114] Notice of Appeal filed by Rashaad Marria were transmitted to the U.S. Court of Appeals. (tp,) (Entered: 10/15/2004)
10/15/2004	116	ENDORSED LETTER addressed to Judge Naomi Reice Buchwald from Intelligent Tarref Allah dated 8/23/04 re: plaintiffs application to extend his time to appeal is extended until 9/30/04. (Signed by Judge Naomi Reice Buchwald on 9/9/04) (db,) (Entered: 10/20/2004)
10/27/2004	117	DECLARATION IN SUPPORT OF REQUEST FOR LEAVE TO APPEAL IN FORMA PAUPERIS. Document filed by Rashaad Marria.(ae,) (Entered: 11/04/2004)
11/19/2004	118	MEMO ENDORSEMENT: [117] Declaration in Support of I.F.P. filed by Rashaad Marria is GRANTED. (Signed by Judge Naomi Reice Buchwald on 11/12/04) (db,) (Entered: 11/23/2004)
09/09/2005	119	MANDATE of USCA (Certified Copy) as to [114] Notice of Appeal filed by Rashaad Marria, USCA Case Number 04-5538-pr. Appellant, pro se, moves for appointment of counsel in his appeal of the district court decision granting the defendants` motion for an order adopting the protocols proposed by the Department of Correctional Services ("DOCS"). Those protocols allowed incarcerated members of the Nation of Gods and Earths ("Nation") to have access to literature related to the group`s religious practices and required DOCS to accommodate the inmates` observation of Nation holidays. Because the district court did not abuse its discretion in accepting the protocols proposed by DOCS, see Dunn v. New York State Dept. of Labor, 47 F.3d 485, 488 (2d Cir. 1995)(holding that this Court reviews a district court`s grant of equitable relief for abuse of discretion), it is hereby ORDERED that the motion is denied and the appeal is dismissed because it lacks an arguable basis in fact or law. See Neitzke v. Williams, 490 U.S. 319, 325 (1989); 28 U.S.C. ? 1915 (e). Roseann B. MacKechnie, Clerk USCA. Issued As Mandate: 9/2/2005. (nd,) (Entered: 09/12/2005)

09/12/2005		Transmission of USCA Mandate/Order to the District Judge re: [119] USCA Mandate,,,,. (nd,) (Entered: 09/12/2005)
11/18/2005		Appeal Record Returned. Indexed record on Appeal Files for [114] Notice of Appeal filed by Rashaad Marria, USCA Case Number 04-5538-pr, returned from the U.S. Court of Appeals. (nd,) (Entered: 11/28/2005)

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