

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID DONHAUSER,

Plaintiff,

vs

9:01-CV-1535

GLENN S. GOORD, Commissioner, NY DOCS;
MARTHA E. YOURTH, CSW Guidance Specialist;
DOMINIC MARTINELLI, Sex Offender Program
Counselor; and S. CARTER, S.C.C., Oneida
Corr. Facility,

CLASS ACTION

Defendants.

APPEARANCES:

OF COUNSEL:

ANIBAL ORTIZ, JR.
Plaintiff, Pro Se
(Class Member)
Mohawk Correctional Facility
6100 School Road
PO Box 8451
Rome, NY 13442-8451

DAVID DONHAUSER
Plaintiff, Pro Se
05-B-3138
Great Meadow Correctional Facility
PO Box 51
Comstock, NY 12821-0051

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State of New York
Attorney for Defendants
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The Capitol
Albany, New York 12224

DOUGLAS J. GOGLIA, ESQ.
MEGAN M. BROWN, ESQ.
Assts. Attorney General

DAVID N. HURD
United States District Judge

ORDER

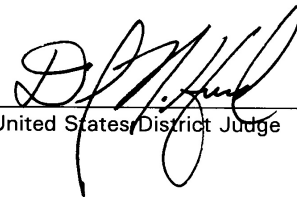
Class member Anibal Ortiz, Jr., has requested (Docket No. 250) that the above matter be reopened because the defendants have violated the order of April 23, 2004 (Docket No. 85). Because that order was vacated by the Second Circuit, the request will be considered pursuant to the Settlement Agreement of October 17, 2008 (Docket No. 235). Even accepting the class member's allegations as true, the request is premature because the notice requirement of the Settlement Agreement has not been met.

Therefore, it is

ORDERED that the request is DENIED without prejudice.

IT IS SO ORDERED.

Dated: October 26, 2009
Utica, New York.


United States District Judge