

Matter of Reeder v Annucci

2016 NY Slip Op 32602(U)

December 21, 2016

Supreme Court, Franklin County

Docket Number: 2016-757

Judge: S. Peter Feldstein

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This opinion is uncorrected and not selected for official publication.

**STATE OF NEW YORK
SUPREME COURT**

COUNTY OF FRANKLIN

In the Matter of the Application of
RASZELL REEDER, #94-A-6388,
Petitioner,

for Judgment Pursuant to Article 78
of the Civil Practice Law and Rules

DECISION AND JUDGMENT
RJI #16-1-2016-0471.87
INDEX # 2016-757

-against-

ANTHONY J. ANNUCCI, Acting Commissioner,
NYS Department of Corrections and Community
Supervision,

Respondent.

The Court has before it Petition for judgment pursuant to Article 78 of the CPLR of Raszell Reeder, verified on November 10, 2016 and filed in the Franklin County Clerk's Office on December 15, 2016. Petitioner, who is an inmate at the Upstate Correctional Facility, states that the petition challenges "1. Security handheld video camera not videoing according to (*sic*) prevent harm or danger to inmate during use of force when being handcuff (*sic*) or handcuff being remove (*sic*) and while inmate standing at cell door. 2. Feedup hatch metal edge during incident causes excessive force and cruel and unusual punishment along with feedup hatch sides is made of metal it blocks all video camera and security supervisor from seeing excessive force of who caused the force incident. 3. Enforce policy all supervisors to incident intervene excessive force incident, force video officer to video in cell excessive force, prevent excessive numbers of officers blocking video officer videoing incident. 4. Fall (?) video or video to serious complaint be use (*sic*) as evidence." The remainder of the Petition is replete with a variety of scattered, conclusory allegations that are lacking in context and otherwise extremely difficult to understand. In addition, the Court notes that portions of the petition are handwritten with such small lettering that the words can be understood only with concentrated effort.

CPLR §3013 provides, in relevant part, that “[s]tatements in a pleading shall be sufficiently particular to give the court and parties notice of the transactions, occurrences, or series of transactions or occurrences, intended to be proved in the material elements of each cause of action . . .” The Court finds that the petition currently before it fails to meet this standard.

This Court handles numerous proceedings initiated by *pro se* inmate petitioners at various DOCCS facilities and recognizes that, in the absence of the availability of assigned counsel, both the Court and the Attorney General’s office must, at times, endeavor to make the best of substandard pleadings. Otherwise, scarce judicial resources would be wasted in endless effort to compel compliance with technical legal requirements by individuals who are all too often ill-equipped to comply. Where, as here, however, the Court finds that a *pro se* inmate petitioner’s failure to meet the standards set forth in CPLR §3013 is particularly egregious and that a respondent would be unduly prejudiced if required to attempt to fashion a responsive pleading, dismissal is warranted. It is also noted that in the first eleven months of 2016 petitioner has commenced 17 separate CPLR Article 78 proceeding in this Court. While the Court might be more inclined to overlook and consider the substandard pleading of a *pro se* inmate petitioner who occasionally appears before it, a higher level of compliance with established pleading requirements is expected from a *pro se* inmate petitioner intending to initiate litigation on a regular basis.

Based upon all of the above, it is, therefore, the decision of the Court and it is hereby **ORDERED**, that petitioner’s request for the issuance of an Order to Show Cause in a CPLR Article 78 proceeding is denied; and it is further

ADJUDGED, that the petition is dismissed without prejudice.

Dated: December 21, 2016 at
Indian Lake, New York.

S. Peter Feldstein
Acting Supreme Court Justice