

CC

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 11-1685-CV and 11-CV-367 Caption [use short title] _____

Motion for: Reconsideration of Orders Joe A. Gomes,

Set forth below precise, complete statement of relief sought: Plaintiff - Appellant

Appellant asks the court to Reconsider its August 3, 2011 decision to DISMISS Appellants Appeal to Reverse incorrect decision of the USDC SDNY to dismiss and dispose of Plaintiffs claims. v. New York Public Library, et al., Defendants - Appellees

MOVING PARTY: Joe A. Gomes (Pro Se) OPPOSING PARTY: _____
 Plaintiff Defendant
 Appellant/Petitioner Appellee/Respondent

MOVING ATTORNEY: Joe A. Gomes (Pro Se) OPPOSING ATTORNEY: _____
[name of attorney, with firm, address, phone number and e-mail]
390 9th Avenue
New York, NY 10001
(646) 709-5614
Bagoftricks2@yahoo.com

Court/Judge/Agency appealed from: USDC SDNY - Honorable Loretta A. Preska, Chief United States District Judge

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):
 Yes No (explain): Movant is Pro Se and not represented by counsel

Opposing counsel's position on motion:
 Unopposed Opposed Don't Know

Does opposing counsel intend to file a response:
 Yes No Don't Know

Is oral argument on motion requested? Yes No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? Yes No If yes, enter date: _____

Signature of Moving Attorney: [Signature] Date: 8/17/2011

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:
Has request for relief been made below? Yes No
Has this relief been previously sought in this Court? Yes No
Requested return date and explanation of emergency: _____

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FOR THE SECOND CIRCUIT

Has service been effected? Yes No [Attach proof of service]

ORDER

IT IS HEREBY ORDERED THAT the motion is GRANTED DENIED.

FOR THE COURT:
CATHERINE O'HAGAN WOLFE, Clerk of Court

Date: _____ By: _____

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

CAPTION:

Joe A. Gomes v.
New York Public
Library, et al,

CERTIFICATE OF SERVICE
 Docket Number: 11-1685-CV

I, Joe A. Gomes, hereby certify under penalty of perjury that on
 (name)
 _____, I served a copy of _____
 (date)

(list all documents)

by (select all applicable)*

- United States Mail
- Federal Express
- Overnight Mail
- Facsimile
- E-mail
- Hand delivery

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 SECOND CIRCUIT

on the following parties (complete all information and add additional pages as necessary):

Name	Address	City	State	Zip Code
<u>Robert Vanni</u>	<u>Vice-President/legal Counsel 42 Street & Fifth Avenue</u>	<u>New York</u>	<u>NY</u>	
<u>Michael A. Cardozo</u>	<u>New York City Law Department 100 Church Street, 6th Floor</u>	<u>New York, NY</u>		<u>10007</u>
<u>Eric T. Schneiderman</u>	<u>New York state office of the Attorney General 120 Broadway</u>	<u>New York, NY</u>		<u>10271</u>
<u>Sarah Shieve Normand</u>	<u>United state's Attorney's office, Southern District 86 Chambers Street</u>	<u>New York, NY</u>		<u>10007</u>

8/17/2011
 Today's Date

[Signature]
 Signature

*If different methods of service have been used on different parties, please indicate on a separate page, the type of service used for each respective party.

Attention: Anna Steglich

Re: 11-1685 CV
Joe A Gomes v. NYPL

I will e-mail the Motion for reconsideration and all paper work in support to you tomorrow on ~~the~~ August 17, 2011 at the following email:

prosecases@ca2.uscourts.gov

Additionally, I sent an email with my Brief for the Appeal and all paperwork and documents in support to the same email at prosecases@ca2.uscourts.gov today on August 16, 2011, the due date for such paperwork to be submitted on.

I sent a copy of the email to myself. So I could have records of all the attached documents in that email.

I just need confirmation from you sent via email that you have received my email with the Brief and all paperwork in support. You can send the confirmation to my email at bagoftricks2@yahoo.com.

Attached to this note, I have included a copy of the civil Judgement from the United States District Court for the Southern District of New York which is required as part of the Appendix to the Brief which I could not include in the email. Is this sufficient or do you need a copy of the Order of Dismissal. If the Order of Dismissal is required, I will get that to you tomorrow on August 17, 2011 along with the Motion Information Statement (Form T-1080).

Please respond at your earliest convenience to bagoftricks2@yahoo.com.

Thank you.

Yours truly,

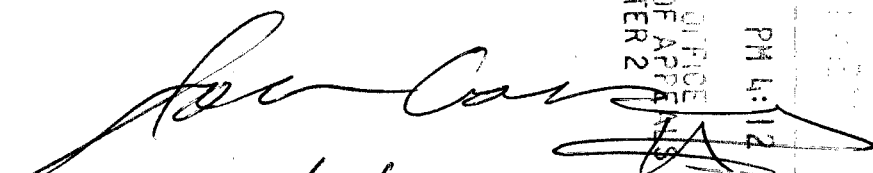
Joe A Gomes

11-1685 CV

390 9th Avenue

New York, NY 10001

bagoftricks2@yahoo.com


8/16/2011

2011 AUG 16 PM 4:12
U.S. DISTRICT COURT OF APPEALS
COUNTY 2

CLOS

United States Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

To Those Who Practice in the Second Circuit:

Beginning December 1, 2002, you may elect to receive electronic notification of all summary orders and opinions issued by the court in any case in which you are the attorney of record or a pro se litigant. If you wish to be served electronically, please complete the form below and return it to the Clerk's Office at your earliest convenience. **Please complete a separate form for each case in which you elect to receive electronic notification.**

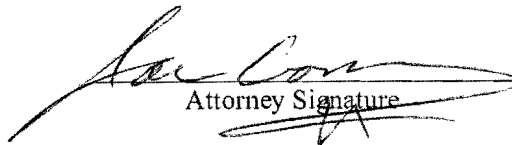
ELECTRONIC NOTIFICATION AGREEMENT

I hereby elect and agree to receive electronic notification of all summary orders and opinions produced by or filed in the Office of the Clerk in the appeal listed below. I agree that electronic notice will be the only notice I receive from the Office of the Clerk and, in the event the automated system that produces these documents is not available, the Clerk may deposit copies of these documents in the United States Mail for first class delivery.

Short Caption: Joe A. Gomes v. New York Public Library, et al

Docket Number: 11-1685 CV

Joe A. Gomes (Pro Se)
Attorney Name (print)


Attorney Signature

Firm Name and Address: Joe A. Gomes
390 9th Avenue
New York, NY 10001

Voice Number: Not Currently Active
Fax Number: Not Applicable
E-mail Address: bagoftricks2@yahoo.com

I prefer to receive notice by: Fax E-mail (pdf (Adobe) format)

Special Instructions: Provide me with all paper work.
(if any)

NOTE: Documents longer than fifteen (15) pages will not be faxed.

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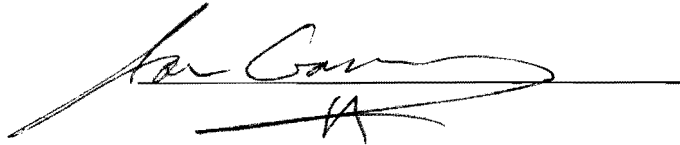
02111611

**CERTIFICATION PURSUANT TO
Fed. R. App. P. 32(a)(7)(B) and ©**

The undersigned hereby certifies that the foregoing brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) and (C) because the brief contains 13,963 words of text.

The brief complies with the typeface requirements of Fed. R. App. P.32(a)(5) and the type style requirements of Fed.R.App.P.32(a)(6) because this brief was prepared in a proportionally spaced typeface using [~~state name and version of word processing program~~] in Times New Roman 14pt. ~~Times~~ ~~Microsoft word~~

Dated: 8/16/2011



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/9/2011

JOE A. GOMES,

Plaintiff,

-against-

CIVIL JUDGMENT

11 Civ. 0367 (LAP)

THE NEW YORK PUBLIC LIBRARY (NYPL);
THE SCIENCE INDUSTRY & BUSINESS
LIBRARY (SIBL); THE CITY OF NEW YORK;
THE STATE OF NEW YORK; THE UNITED
STATES OF AMERICA; THE BOARD OF
TRUSTEES OR LIBRARY TRUSTEES OF NEW
YORK PUBLIC LIBRARY; THE REGENTS OF
THE UNIVERSITY OF THE STATE OF NEW
YORK; PAUL LECLERC, PRESIDENT & CEO
OF THE CORPORATION OF THE NEW YORK
PUBLIC LIBRARY; DAVID FERRIERO,
ANDREW W. MELLON DIRECTOR; ROBERT
VANNI, VICE PRESIDENT; JAMES
PISANIELLO, VICE PRESIDENT OF FACILITY
OPERATIONS AND SECURITY; ROBERT
FORNABAIO, DIRECTOR OF CLIENT
SUPPORT SERVICES (NYPL); JOHN DOE,
HEAD OF SECURITY (SIBL); BOB DOE,
ASSISTANT SECURITY SUPERVISOR (SIBL);
BILL DOE, INFORMATION SERVICES HEAD
(EIC) (SIBL); STEVE DOE, TECHNICAL
PROCESSING (SIBL); KRISTEN
MCDONOUGH, ROBERT AND JOYCE
MENSCHEL DIRECTOR (SIBL); ALEC DOE,
LIBRARY SECURITY GUARD (SIBL);
THE REGENTS OF THE UNIVERSITY OF THE
STATE OF NEW YORK; ROBERT M.
BENNETT, CHANCELLOR OF THE BOARD
OF REGENTS OF THE UNIVERSITY OF THE
STATE OF NEW YORK; RICHARD P. MILLS,
COMMISSIONER OF EDUCATION/
PRESIDENT OF THE UNIVERSITY OF THE
STATE OF NEW YORK; JANET WELCH,
STATE LIBRARIAN/ASSISTANT
COMMISSIONER OF LIBRARIES OF THE
NEW YORK STATE LIBRARY; CATHERINE C.
MARRON, CHAIRPERSON OF THE OFFICERS
OF THE OFFICERS OF THE CORPORATION
OF THE NEW YORK PUBLIC LIBRARY
(NYPL); DAVID STRUM, VICE PRESIDENT/
CHIEF INFORMATION OFFICER OF THE NEW
YORK PUBLIC LIBRARY (NYPL); MICHAEL
A. CARDOZO, CORPORATION COUNSEL OF
THE OFFICE OF THE CORPORATION
COUNSEL OF THE CITY OF NEW YORK;

ANDREW CUOMO (FORMER); AND ERIC SCHNEIDERMAN (CURRENT), ATTORNEY GENERAL OF THE OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF NEW YORK; MICHAEL B. MUKASEY (FORMER); AND ERIC H. HOLDER, JR. (CURRENT), ATTORNEY GENERAL OF THE OFFICE OF THE ATTORNEY GENERAL OF THE DEPARTMENT OF JUSTICE OF THE UNITED STATES; THE PATRONS OF THE NEW YORK PUBLIC LIBRARY,

Defendant.

Pursuant to the order issued MAR 09 2011 by the Honorable Loretta A.

Preska, Chief United States District Judge, dismissing the Complaint, it is,

ORDERED, ADJUDGED AND DECREED: That the Complaint is dismissed. 28 U.S.C. § 1915(e)(2)(B)(ii). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from the Court's Order would not be taken in good faith.



LORETTA A. PRESKA
Chief United States District Judge

Dated: MAR 09 2011
New York, New York

THIS DOCUMENT WAS ENTERED ON THE DOCKET ON _____.

Defendant**Janet Welch***State Librarian/Assistant Commissioner of Libraries of the New York State Library***Defendant****Catherine C. Marron***Chairperson of the Officers of the Corporation of the New York Public Library (NYPL)***Defendant****David Strum***Vice President/Chief Information officer of the New York Public Library (NYPL)***Defendant****Michael A. Cardozo***Corporation Counsel of the office of the Corporation counsel of the City of New York***Defendant****Andrew Cuomo***former Attorney General of the Office of the Attorney General of the State of New York***Defendant****Eric T. Shneiderman***current Attorney General of the Office of the Attorney General of the State of New York***Defendant****Michael B. Mukasey***Former Attorney General of the Office of the Attorney General of the Department of Justice of the United States***Defendant****Eric H. Holder, Jr.***current Attorney General of the Office of the Attorney General of the Department of Justice of the United States***Defendant****The Patrons of the New York Public Library**

Date Filed	#	Docket Text
01/11/2011	<u>1</u>	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by J.A.G.(mro) (Entered: 01/24/2011)
01/11/2011	<u>2</u>	COMPLAINT against Alec 'Doe', Robert M. Bennett, Bill 'Doe', Bob 'Doe', Michael A. Cardozo, Andrew Cuomo, David Ferriero, Robert Fornabaio, Eric H. Holder, Jr, John 'Doe', Paul LeClerc, Catherine C. Marron, Kristen McDonough, Andrew W. Mellon, Richard P. Mills, Michael B. Mukasey, James Pisaniello, Robert and Joyce Menschel, Eric T. Shneiderman, Steve 'Doe', David Strum, The Board of Trustees or Library Trustees of New York Public Library, The City of

		New York, The New York Public Library (NYPL), The Patrons of the New York Public Library, The Regents of the University of the State of New York, The Science Industry & Business Library (SIBL), The State of New York, The United States of America, Robert Vanni, Janet Welch. Document filed by J.A.G. (Attachments: # <u>1</u> part 2)(mro) Modified on 1/24/2011 (mro). (Entered: 01/24/2011)
01/11/2011	<u>3</u>	MOTION for an Order to grant relief to keep and maintain the plaintiff's name anonymous in the caption heading and case files and use plaintiff's initials as the point of reference in order to secure plaintiff's privacy in accordance with the privacy guarantees in the United States Constitution. Document filed by J.A.G.(mro) (Entered: 01/24/2011)
01/25/2011	<u>4</u>	Pro Se Acknowledgment Letter Mailed: Pro Se acknowledgment letter mailed to the plaintiff via USPS to the address noted on the Complaint on 1/25/2011. (msa) (Entered: 01/25/2011)
02/04/2011		Received returned mail re: <u>4</u> Pro Se Acknowledgment Letter Mailed. Mail was addressed to J.A.G. at 390 Ninth Avenue, New York, NY 10001 and was returned for the following reason(s): return to sender-attempted, not known, unable to forward. (msa) (Entered: 02/04/2011)
03/09/2011	<u>5</u>	ORDER OF DISMISSAL: The Clerk of Court is directed to assigned this matter to my docket. Plaintiff's Complaint, filed in forma pauperis under 28 U.S.C. 1915(a)(1), is dismissed pursuant to 28 U.S.C. 1915(e)(2)(B)(ii). The Clerk of Court is directed to replace the pseudonym "J.A.G." with Plaintiff's full name, Joe A. Gomes, on the docket. The Court certifies, pursuant to 28 U.S.C. 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. (Signed by Judge Loretta A. Preska on 3/09/2011) Copies Mailed By Pro Se Office. (mro) (Entered: 03/14/2011)
03/09/2011		NOTICE OF CASE ASSIGNMENT - SUA SPONTE to Judge Loretta A. Preska. Judge Unassigned is no longer assigned to the case. (mro) (Entered: 03/14/2011)
03/09/2011	<u>6</u>	CIVIL JUDGMENT: ORDERED, ADJUDGED AND DECREED: That the Complaint is dismissed. 28 U.S.C. 1915(e)(2)(B)(ii). The Court certifies, pursuant to 28 U.S.C. 1915(a)(3), that any appeal from the Court's Order would not be taken in good faith. (Signed by Judge Loretta A. Preska on 3/9/2011) Copies Mailed By Pro Se Office. (mro) Modified on 3/14/2011 (mro). (Entered: 03/14/2011)
03/18/2011		Received returned mail: Mail was addressed to J.A.G. at 390 Ninth Ave. New York, NY 10001 and was returned for the following reason(s): Unclaimed. (eef) (Entered: 03/18/2011)
04/05/2011	<u>7</u>	NOTICE OF APPEAL from <u>5</u> Order of Dismissal, <u>6</u> Judgment. Document filed by Joe A. Gomes. (tp) (Entered: 04/20/2011)
04/05/2011		Appeal Remark as to <u>7</u> Notice of Appeal filed by Joe A. Gomes. \$455.00 APPAL FEE DUE. IFP REVOKED 3/9/11. (tp) (Entered: 04/20/2011)