

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

225 CADMAN PLAZA EAST

BROOKLYN, N.Y. 11201

ORIGINAL

DEF
C/MCHAMBERS OF
FREDERIC BLOCK
J.S. DISTRICT JUDGE

July 30, 2009

Tracy M. Himmel
24 Lincoln Road
Lakeview, NY 11552

Re: Himmel v. Ridgley, 01-MC-108 (FB) (VVP)

Dear Mr. Himmel:

This is in response to your letter of July 17, 2009. As promised in the June 30th letter from my chambers, I have carefully reviewed the case file. Unfortunately, I have no jurisdiction to take any further action in the case

As you will recall, on July 17, 2002, you submitted a letter in which you stated, "I refuse to proceed with [this] action any further. . . . Put another way, you might as well proceed to dismiss this action since, as far as I know because of such refusal, you won't be hearing anything else about it from me." A copy of that letter is enclosed.

Based on your letter, the case was closed. On October 6, 2005, attorney Thomas Liotti filed on your behalf a "Third Amended Complaint"; however, the complaint was filed without the permission of a magistrate judge, which was required by my order of January 25, 1999, in *Himmel v. State of New York*, 98-CV-2758 (FB) (VVP). Moreover, neither the complaint nor any of your subsequent filings provided any grounds for me to reopen a case that had been closed for more than three years.

I assure you that my conclusion that no further action can be taken in your case is based solely on the law, and not on any malice towards you. Nevertheless, if this response is not satisfactory to you, you have the right to seek

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redress by lodging a complaint with the Judicial Council of the Second Circuit. To assist you in that regard, I have taken the liberty of enclosing a copy of the necessary form.

Sincerely,

/s/

FREDERIC BLOCK

Senior United States District Judge

Enclosures