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U.S. DISTRICT COURT E.D.N.Y. *Rec'd*
★ JUL 22 2014 ★ 7/23/14
pm

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LIDYA MARIA RADIN,

Plaintiff,

-against-

DOCTOR TUN; DOCTORS AND STAFF AT RIKER'S
ISLAND PRISON MENTAL HEALTH DEPARTMENT;
DAPHNE HERARD; JESIKA ASARO; ROSE CHAN;
MARIANNE CAPONE; LENA BLAU; BOB ARKOW;
HAROLD CHARLES; MARGARITA GORMUS;
MALANIE SPRITZ; LISA CHOLEFF; BRENDA R.
HARRIS; ALKESH NAVIN PATEL; RAUL CALICDAN;
RUKHASANA RASHEED; ESSAM YOUSEF;
SHAHEENA AHMED; DR. MORALES; DR. GLICK; DR.
GOME; DR. ROBERT LAMPSKE; PHD BRYAN
FALLON; M.D. RAYMOND CLOVIS; PHYSICIAN
ASSISTANT CHARLES; ELMHURST HOSPITAL, ITS
DOCTORS AND STAFF; PARTICIA GUZOWSKI
LCSW; DR. MICHELLE KANALY; DR. MICHAEL
MANASHEROV; J. LOWNEY, New York City
Department of Probations Officer; S. SELTZER,
Supervisor; OFFICER RUBINKOWSKI, Probations Officer:
at Riker's Island; VINCENT N. SCHIRALDI,
Commissioner of Probation, DANIEL CURROW;
ALBERT EINSTEIN COLLEGE OF MEDICINE OF
YESHIVA UNIVERSITY; M.D. JAMES DAVID
(JIMMY); MARTIN BOCKSTEIN; JUDGE ROBERT D.
PATTERSON, JR.; JUDGE GUIDO CALABRESI; JUDGE:
JANE A RESTANI; U.S. MARSHAL JAMES HOWARD;
U.S. MARSHAL IMMANUEL MISCHA WARTOFSKY;
U.S. MARSHAL SHERI ROBINSON; JUDGE PAMELA
CHEN; MAGISTRATE JUDGE VERA SCANLON; and
JOHN DOES 1-100,

Defendants.

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ROSS, United States District Judge:

BROOKLYN OFFICE
12-CV-1393 (ARR) (VMS)
NOT FOR ELECTRONIC
OR PRINT PUBLICATION
OPINION & ORDER

Plaintiff's motion for reconsideration of this Court's order dated June 30, 2014, which dismissed her complaint against Judge Pamela Chen and Magistrate Judge Vera Scanlon, is denied. Plaintiff has not pointed to any "controlling decisions or data that the court overlooked." Davidson v. Scully, 172 F. Supp. 2d 458, 461 (S.D.N.Y. 2001). As indicated in the Court's prior order, plaintiff's claims against Judge Chen and Magistrate Judge Scanlon are barred by the well-settled doctrine of judicial immunity. See e.g., Bliven v. Hunt, 579 F.3d 204, 209 (2d Cir. 2009). Judges have absolute immunity for all acts taken in their judicial capacity, see Mireles v. Waco, 502 U.S. 9, 11-12 (1991), and their immunity is not overcome even by allegations of bad faith or malice, Pierson v. Ray, 286 U.S. 547, 554 (1967).¹

The Court will not consider plaintiff's "corrections" to her motion filed on July 21 and July 22, 2014. Plaintiff had until July 17, 2014, to make her submissions to the Court, and these two filings were made out of time. Nonetheless, the Court notes that, even were it to consider these filings, they would not alter the Court's denial of plaintiff's motion for reconsideration.

The Court once again reminds plaintiff that, when she makes a submission to the Court, she must serve copies of her submission on all defendants and file with the court a sworn statement that she has done so. An unsworn statement in her filings that she will do so "ASAP" does not suffice.

Finally, with respect to plaintiff's concern in her July 22, 2014, letter that Ani Couldjian-Baghdassaria, Dr. Carreri, Dr. Margaret Goni, and Dr., Janet Carr should not have been terminated from the case because they are still defendants, those individuals were terminated

¹ The Court also notes that plaintiff's allegations against Judge Chen and Magistrate Judge Scanlon seems to arise from plaintiff's misunderstanding of the Equal Protection clause, which plaintiff appears to construe as requiring federal judges to issue orders of protection upon request against people who she alleges are "threatening" her. However, because judicial immunity bars plaintiff's claims from the outset, the Court need not reach the merits.

from the case because they were not named as defendants in plaintiff's Corrected Second Amended Complaint. See Dkt. #91. Accordingly, their termination was proper.

SO ORDERED.

/S/ Judge Allyne R. Ross

Allyne R. Ross
United States District Judge

Dated: July 22, 2014
Brooklyn, New York

SERVICE LIST

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