

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANK CARBONE, A/K/A STEVE ASCANIO,

Petitioner,

- against -

RAYMOND J. CUNNINGHAM,

Respondent.

06 Civ. 5710 (JGK)

OPINION AND ORDER

JOHN G. KOELTL, District Judge:

The Court has received the attached letter from the petitioner requesting that the Court direct the Clerk to send the petitioner all unreported decisions or decisions reported exclusively on computerized databases that were cited in the Court's Memorandum Opinion and Order dated December 22, 2011 and to direct the respondent to attach any such decisions cited in any submission the respondent files.

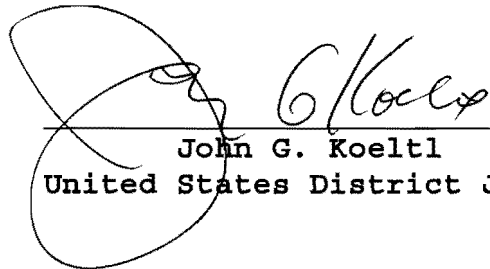
As an initial matter, the local rules of the Southern District of New York require counsel to provide a pro se litigant with "copies of cases and other authorities cited therein that are unpublished or reported exclusively on computerized databases." Local Civil Rule of the Southern and Eastern Districts of New York 7.2. Accordingly, the Court directs the respondent to provide the petitioner with copies of any unpublished authorities or decisions reported exclusively on

computerized databases that the respondent may cite in future submissions to the Court in this action.

The Court also notes that its December 22, 2011 Memorandum Opinion and Order cited one unpublished decision. The Court will send a copy of this decision to the petitioner along with a copy of this Order and the additional unpublished decision cited in this Order. See, e.g., LeBron v. Sanders, 557 F.3d 76, 79 (2d Cir. 2009) (urging district courts to "be sensitive both to ensuring that their local rules are strictly enforced and to considerations of whether pro se indigent litigants will have access, without cost, to review the case law relied upon by a district court in ruling upon the litigants' claims" and sending to the petitioner the unreported decisions cited by the district court); Edwards v. Bellnier, No. 09 Civ. 1508, 2011 WL 6817680, at *1 n.1 (S.D.N.Y. Dec. 28, 2011) (district court provided a copy of unpublished decisions cited in its ruling to pro se litigant).

SO ORDERED.

Dated: New York, New York
January 6, 2012

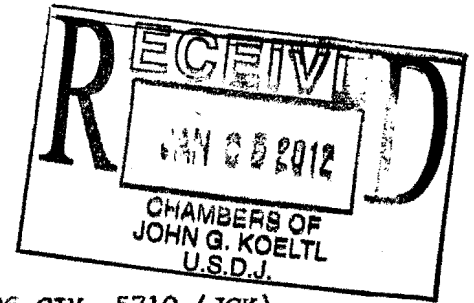


John G. Koeltl
United States District Judge

FRANK CARBONE #02-A-0076
(True Name STEVE ASCANIO)
Altona Correctional Facility
555 Devils Den Rd P.O.Box 3000
Altona, New York 12910

January 1, 2012

JUDGE JOHN G. KOELTL
UNITED STATES DISTRICT COURT
United States Courthouse
500 Pearl Street
New York, New York 10007-1312



06 CIV. 5710 (JGK)

Honorable Jurist Koeltl,

I received the Courts Memorandum Opinion and Order on December 30, 2011 regarding petitioner's 60 (b)(4) motion filed on December 8, 2011.

This letter is in regards of respectfully requesting that the court direct the clerk of the court to send petitioner all West law cites & cases' used in the memorandum where petitioner has no means of obtaining these cites case law, and/or direct the defendants to attach all West law cases & cites used in their response if such case law cites are used, to deny such request will place petitioner in a severe disadvantage as a pro se petitioner who has no means of obtaining such cites, and case law used because of petitioner's incarceration, where the Department of Corrections do not provide any means to obtain these case law cites.

Petitioner respectfully thanks this Honorable Court for its time concerning this request praying it will be granted. Petitioner also request that the Clerk be properly informed that petitioner now resides at Altona Correctional Facility, 555 Devils Den Rd. P.O. Box 3000 Altona, New York 12910 so the clerk and court has the proper facility and address to prevent any

delay in receiving all legal correspondence sent by the court clerk and/or
defendants concerning this matter.

Respectfully submitted

Frank Carbone
a/k/a *Steve Ascanio*

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cc: File

Bronx District Attorney

Attn: Mr. Eldar Mayouhas A.D.A