

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X

**MICHAEL RODRIGUEZ,**

**Petitioner,**

**- against -**

**ROBERT ERCOLE, Superintendent,  
Greenhaven Correctional Facility,**

**Respondent.**

-----X

**SHIRA A. SCHEINDLIN, U.S.D.J.:**

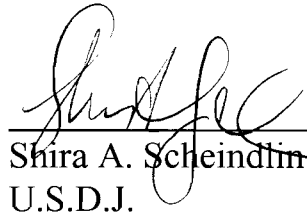
**ORDER**

**07 Civ. 415 (SAS)**

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>4/2/09</u>
--

The Clerk of the Court is hereby ORDERED to vacate: (1) this Court's February 26, 2009 Order adopting the Report and Recommendation of Magistrate Judge Michael H. Dolinger, dated August 15, 2008; and (2) the Clerk's Judgment, dated February 27, 2009, dismissing the instant petition with prejudice. The Clerk of the Court is further ORDERED to reinstate the above-captioned case to this Court's active docket. Respondent is hereby ORDERED to respond, in writing, to petitioner's objections to the Report and Recommendation by May 1, 2009.

SO ORDERED:

  
\_\_\_\_\_  
Shira A. Scheindlin  
U.S.D.J.

Dated: New York, New York  
April 2, 2009

**- Appearances -**

**For Petitioner:**

Robert S. Dean, Esq.  
Center for Appellate Litigation  
74 Trinity Place  
New York, NY 10006  
(212) 577-2523

**For Respondent:**

Rither Alabre  
Assistant District Attorney  
Bronx District Attorney Office  
198 East 161st Street  
Bronx, NY 10451  
(718) 590-2140