

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM STEELE,

Plaintiff,

08 Civ. 8429 (LAK) (DFE)

- against -

JOHN FENNELL (#889990),
JEFFREY FRANCAN (#911943),
SCOTT PATTERSON (#911348),
CITY OF NEW YORK,

(This is not an ECF case)

MEMORANDUM AND ORDER

Defendants.

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DOUGLAS F. EATON, United States Magistrate Judge.

In this *pro se* prisoner's lawsuit, I stayed the proceedings in this case until Mr. Steele's parallel criminal court proceedings were resolved. My February 18, 2009 Memorandum and Order said, in part:

7. I hereby stay the proceedings in 08 Civ. 8429 (LAK) (DFE) until the resolution of the parallel state court criminal proceedings against Mr. Steele. I direct Mr. Steele to write a letter to me (with a copy to Ms. Aroubas) within three business days after the conclusion of his trial in the Bronx County criminal case; his letter should give me the indictment number, the result, the name of the judge, and the name, address and telephone number of his defense attorney. If the result has been a verdict of guilty on any count, then the letter should tell me whether Mr. Steele wishes to withdraw the Complaint in 08 Civ. 8429 (LAK) (DFE). Unless the Complaint has been withdrawn, I will then decide whether to require the defendants to serve and file a motion or answer in response to the Complaint.

8. Meanwhile, Mr. Steele has a continuing obligation to mail prompt written notices, to me and to Ms. Aroubas and to the Pro Se Office, about any change of his address. Failure to do may result in a dismissal of the lawsuit.

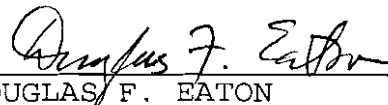
By letter dated October 15, 2009, Assistant Corporation Counsel Shlomit Aroubas informed me that Mr. Steele's criminal case concluded on October 13, 2009, and that he was convicted of attempted murder in the second degree and assault in the second degree. His sentencing was scheduled for October 22, 2009.

By letter dated January 11, 2010, Ms. Aroubas informed me that, on October 22, 2009, Mr. Steele was sentenced to serve concurrent imprisonment terms of twelve years for attempted murder, ten years for criminal possession of a weapon, and five years for assault. It is my understanding that he is temporarily at the North Infirmary Command on Rikers Island, but not for any medical problems, and that he will probably be transported to some upstate prison.

To date, Mr. Steele has failed to write to me regarding the status of his criminal case or about any change of his address.

I will be retiring on February 11, 2010, and Judge Kaplan's Order of Reference to me will be reassigned to the new Magistrate Judge, James L. Cott, who is expected to enter on duty in late February.

I hereby lift the stay of the proceedings in 08 Civ. 8429. Unless Mr. Steele chooses to serve and file a voluntary dismissal of this lawsuit, then I direct the defendants to serve and file an answer or motion addressed to the Complaint, no later than March 5, 2010. Any notice of motion must be addressed to Magistrate Judge Cott, who would then write a Report and Recommendation to Judge Kaplan.



DOUGLAS F. EATON
United States Magistrate Judge
500 Pearl Street, Room 1360
New York, New York 10007
Telephone: (212) 805-6175
Fax: (212) 805-6181

Dated: New York, New York
January 21, 2010

Copies of this Memorandum and Order are being sent by mail to:

William Steele
241-07-07949
North Infirmary Command
15-00 Hazen Street
East Elmhurst, NY 11370

Shlomit Aroubas, Esq.
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New York, NY 10007

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Hon. Lewis A. Kaplan