

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/18/09

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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.
-----x

DOUGLAS F. EATON, United States Magistrate Judge.

1. By Order of Reference filed on January 28, 2009, District Judge Lewis A. Kaplan has referred this case to me for two purposes: (a) I will conduct all general pre-trial supervision, and (b) I will write a Report and Recommendation to Judge Kaplan if any party makes a dispositive motion.

2. Until further notice, all correspondence and other documents in this case should be sent to me, and should say on the first page: "Steele v. Fennell, 08 Civ. 8429 (LAK) (DFE)."

3. I direct Mr. Steele to leave a **one-inch margin** on the top, bottom, left side and right side of each page that he writes. Moreover, I direct him **not** to write on the reverse side of any page. Each document must contain a certificate that he mailed a copy to defense counsel.

4. Mr. Steele has sued John Fennell, Jeffrey Francan, Scott Patterson, and the City of New York. (A precinct is not an entity that anyone can sue; therefore, I hereby strike the 45 Precinct from the caption of the case.)

5. In his *pro se* Complaint, dated September 8, 2008, Mr. Steele says that he has been detained since May 2007 on a charge of robbery and assault in the Bronx. He writes: "My inno[c]en[c]e will become fully proven either through hearings before trial or trial itself, so I'm forwarding my 42 U.S.C. 1983 Complaint [as a] matter of prediction of becoming acquitt[ed] ... [so that] my civil action will be already in process"

6. On February 11, 2009, Ms. Shlomit Aroubas of the City Law Department wrote me a letter. It states, in part:

Steele v. 45th Pct. et al

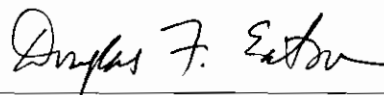
Doc. 7

.... The underlying criminal case against plaintiff is expected to begin on February 26, 2009, and is estimated to last several weeks. Accordingly, defendant requests a stay of the instant civil matter until the resolution of plaintiff's pending criminal case.

.... The district court held in *Estes-El v. Long Island Jewish Medical Center*, 916 F.Supp. 268 (S.D.N.Y. 1995): ["It is well-settled that the Court may (and indeed, should) stay a federal Section 1983 action until resolution of parallel state court criminal proceedings.

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.



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
February 18, 2009

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

William Steele
241-07-07949
North Infirmary Command
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East Elmhurst, NY 11370

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Hon. Lewis A. Kaplan