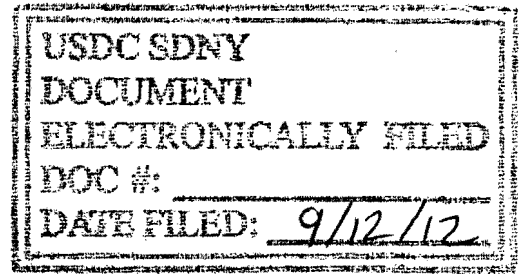


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X

ISAAC STENGEL,	:	
	:	
Plaintiff,	:	10 Civ. 8661 (CM) (HBP)
	:	
-against-	:	OPINION
	:	<u>AND ORDER</u>
BRADFORD BLACK,	:	
	:	
Defendant.	:	

-----X

PITMAN, United States Magistrate Judge:

Although the submission is not entirely clear, in Docket Item 39, plaintiff appears to be opposing a prior motion made by defendant for Rule 11 sanctions (Docket Item 30) and seeking Rule 11 sanctions against defendant because defendant filed a Rule 11 motion.

To the extent Docket Item 39 can be construed as a motion for sanctions, it is denied as frivolous. Defendant's motion for sanction (Docket Item 30) was granted by Judge McMahon on October 18, 2011 (Docket Item 33). Thus, defendant's motion for sanctions was meritorious and cannot itself be the basis for a sanctions motion by plaintiff.

Accordingly, to the extent Docket Item 39 can be construed as a motion for sanctions it is denied, and the Clerk of the Court is directed to mark the motion closed.

Dated: New York, New York
September 12, 2012

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

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