

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL SERVICE,

Plaintiff,

17-CV-04941 (LJL)(SN)

-against-

ORDER

JOSEPH NOETH,

Defendants.

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SARAH NETBURN, United States Magistrate Judge:

On February 5, 2018, the Court stayed all litigation deadlines pending the state court's resolution of Petitioner's *coram nobis* petition. ECF No. 21. By status letter dated January 7, 2020, Respondent notified the Court that the New York Court of Appeals had advised Petitioner that his September 23, 2019 application for leave to appeal the denial of his *coram nobis* petition was incomplete. Respondent further noted that although the New York Court of Appeals had notified Petitioner of deficiencies in his leave application, it had not definitively ruled on the application, which therefore remained pending. Petitioner wrote the Court separately, stating that he was in the process of acquiring legal assistance and that he was near completing the application.

Accordingly, each party is directed to file a separate letter by Friday, June 19, 2020, updating the Court on the status of Petitioner's state court litigation to the best of the party's knowledge. The parties should also set forth their respective positions on whether the Court should lift the stay and direct Petitioner to submit his Reply in support of the Petition so that the matter will be fully briefed and ready for resolution.

Finally, Petitioner is again reminded that he must keep the Court apprised of his current address by filing a Notice of Change of Address whenever he is transferred to a new facility. A copy of the form is attached to this order. Petitioner should note that failure to update his address may result in dismissal for failure to prosecute under Rule 41(b).

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: June 9, 2020
New York, New York

cc: Michael Service (*By Chambers*)
No. 11-A-0310
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562

Encl.: Notice of Change of Address