

USDC SDNY
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 ELECTRONICALLY FILED
 DOC #: _____
 DATE FILED: 4/21/2021

MEMORANDUM ENDORSEMENT

Randolph v. Hasan Dutton et al.

17cv700 (NSR)

MEMO ENDORSED


The Court has received pro se Plaintiff’s application for pro bono counsel. (ECF No. 76 and attached.) The Court has directed the parties to jointly submit at Case Management Plan and Scheduling Order (“CMP”) on or before May 10, 2021 or, if the parties are unable to confer regarding the CMP due to Plaintiff residing at the Central New York Psychiatric Center, then Defendants and Plaintiff may separately file proposed CMPs on their own behalf on or before May 10, 2021.

Once the Court has reviewed the CMP(s) filed by the parties, it will refer this matter to Magistrate Judge Andrew Krause for general pretrial purposes. (ECF No. 75 and attached). Plaintiff is directed to address all discovery issues with Magistrate Judge Krause after the case has been referred.

Accordingly, Plaintiff’s motion for appointment of pro bono counsel is denied without prejudice at this time. The Clerk of Court is directed to terminate the motion at ECF No. 76, mail a copy of this memorandum endorsement to pro se Plaintiff at the address on ECF, and show service on the docket.

Dated: April 21, 2021
 White Plains, NY

SO ORDERED:



HON. NELSON S. ROMAN
 UNITED STATES DISTRICT JUDGE

RECEIVED
SDNY PRO SE OFFICE

2021 APR 15 PM 2:35

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Edward Randolph

(List the full name(s) of the plaintiff(s)/petitioner(s).)

9:17CV 00002 () ()

-against-

H. Dutton, S. Carpenter, Doe
Murdock, John Doe, John Doe et al.,

Application for the Court to
Request Pro Bono Counsel

(List the full name(s) of the defendant(s)/respondent(s).)

I ask the Court to request a *pro bono* attorney to represent me in this action. In support of my application, I declare under penalty of perjury that the following information is true and correct:

1. Have you previously filed a "Request to Proceed in Forma Pauperis" (an IFP application)?
Please check the appropriate box below:

- I have previously filed an IFP application in this case, and it is a true and correct representation of my current financial status.
- I have not previously filed an IFP application in this case and now attach an original IFP application showing my financial status.
- I have previously filed an IFP application in this case, but my financial status has changed. I have attached a new IFP application showing my current financial status.

2. Explain why you need an attorney in this case. (Please note that requests for *pro bono* counsel are rarely granted at the early stages of a case and usually not before the Court has issued a decision on the merits of the case.) If you asked for an attorney earlier in this case, please also explain what has changed since you last asked for an attorney.

This case has been delayed due to changes of
Attorney's for the parties, defendants and most
recently I provided a letter to the court request-
ing that the court impose sanctions on the defend-
ants for failing to honor my discovery request.
without legal assistance I am unaware how to
proceed. I have no access to a law library or
any legal assistance here at Central NY Psych Center.

- 3. Explain what steps you have taken to find an attorney and with what results. (Please identify the lawyers, law firms or legal clinics you have contacted and their responses to your requests. If you have limited access to the telephone, mail, or other communication methods, or if you otherwise have had difficulty contacting attorneys, please explain.)

I previously provided this court with letters from several law firms who I contacted in my attempts to retain counsel prior to filing my complaint. I have not received any new attorney addresses and I've been in Central NY Psych Center on numerous occasions.

- 4. If you need an attorney who speaks a language other than English, state what language(s) you speak: _____.
- 5. I understand that if an attorney volunteers to represent me and that attorney learns that I can afford to pay for an attorney, the attorney may give this information to the Court.
- 6. I understand that even if the Court grants this application, I will receive *pro bono* counsel only if an attorney volunteers to take my case and that there is no guarantee that an attorney will volunteer to represent me.
- 7. I understand that if my answers on this application or in my IFP application are false, my case may be dismissed.

April 6, 2021

Date: April 6, 2021 Signature: Randolph Edward L. (14A2489) (C# 263916)

Name (Last, First, MI): RAYMOND E. Prison Identification # (if incarcerated): 18403

Address: ONYPC, 9005 Old River Rd. City: State: Zip Code: 18403

Telephone Number: n/a E-mail Address (if available): n/a

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Edward Randolph

Plaintiff,

Affidavit of Service

v.

Docket No. 9:17-cv-00002
(NSR)

Hassan Dutton, Steven Carpenter,
Doe Murdock et al.,

Defendant(s).

state of new York)
county of Oneida)ss:

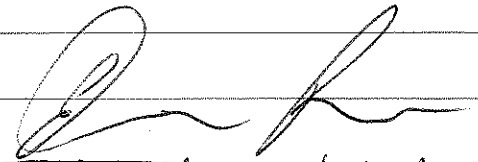
Edward Randolph, being duly sworn, deposes and says:

I am over the age of eighteen (18) years, and on April 12, 2021, I served a true copy of the attached application for request for counsel in the following manner:

By mailing it in a sealed envelope, with

an attached facility disbursement request to be placed in a post office or official depository of the United States Postal Service within the State of New York, addressed to the last known address of the addressee as follows:

New York State, office of the Attorney General, The Capitol, Albany, New York 12224-0341.



Edward Randolph
Pro Se Plaintiff

Sworn to before me this
12th day of April, 2021

Lauren Curtacci
Notary Public

LAUREN CURTACCI
Notary Public, State of New York
No. 01CU6270566
Qualified in Oneida County
Commission Expires October 22, 2024

Ruby J. Krajick,
Clerk of the Court
Daniel Patrick Moynihan
United States Courthouse
New York, New York 10007-1312

April 7, 2021

Re: Randolph v. Dutton et al.
Docket no. 9:17cv00002

Dear Mr. Krajick,

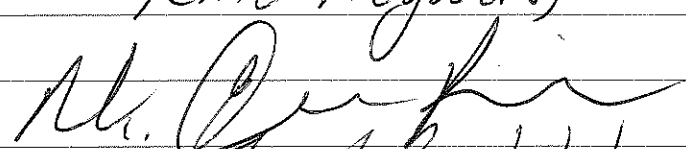
Enclosed for service upon you is the plaintiff's application for a request of counsel in the above-entitled matter.

Please submit these papers to the pro se intake for filing with the court at your earliest convenience, so as to prevent any further delay in the application request.

As always your time, concern

and patience are all greatly appreciated
by me.

Thank You!

Kind Regards,
Mr. 
Edward Randolph
Pro Se Plaintiff
Attorney of Record

Edward Randolph (C#263916)
P.O. BOX 300
MARCY, NEW YORK 13403-0300

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Jeffery

NEW YORK COUNTY

*To the office
United States District Court
Southern District of New York
600 Pearl Street, Room 1230
New York, New York 10007*



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USDC SDNY
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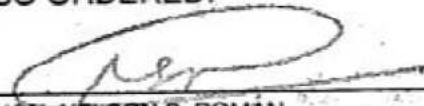
MEMO ENDORSED

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SO ORDERED:

HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

REV. 700

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2021 APR 7 1 AM 9:55

To: Clerk of the Court
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
300 Pearl Street
New York, New York 10007-1812

March 26, 2021

Re: Randolph v. Dutton et al.,
Case #: Unknown

Dear Clerk,

I am writing this letter in regards to the above-entitled matter. However, I do not have possession of my personal property at this time, so I am unable to supply you with the civil case number associated with this civil proceeding @ this time.

I am writing this letter to

The court to inquire into the current status of my civil rights claim, and to request this court's assistance in a matter that involves the defendant's non-compliance with the "Mandatory Pretrial Discovery and Scheduling order"

I would like the court to be made aware of the fact that I have sent numerous requests to the assistant attorney general's office, as that office is the legal representative for the defendant's named in this action, and I have not to date received any kind of communication in response to those previous letter requests regarding disclosure of the mandatory pretrial discovery and scheduling order and the defendant's lack of response to said orders.

Furthermore, I would like to assert before this court that I do have carbon copies of those communications within my personal records. However, at this time I am currently receiving mental health treatment and

care, @ Central New York Psychiatric center (CNYPC) and I do not have access to my personal property @ this time because when inmates are transferred here to CNYPC all personal property remains at the facility in which they were transferred from in a secure storage area until such time as the inmate is discharged and returns to DOCS custody.

So, unfortunately, I cannot provide copies of these letters mentioned above at this time to support these claims mentioned herein, but I will make reasonable effort to attain these documents, if and so, the court requires that I do so in order to support my claims.

I would also like the court to know that I do know that the Court has the authority and power to impose sanctions on the defendant, in such a case as this and I would respectfully request that this court impose those sanctions upon the def-

endants since it has been well over five years, since my claim was submitted and the defendants were ordered to respond to said claim, including but not limited to the mandatory pretrial discovery and scheduling order.

This court should also be made aware that here at CNYPC I have absolutely no access to a law library, legal assistance or a legal kiosk, to which I could utilize to research or properly prepare any argument in law or in fact in support of the claims I have raised herein.

I have been in CNYPC since August 6, 2020, which will be supported by my letter/notice to this court of my address change at that time, and I have yet to receive any communication from this court or the defendant's in regards to the current status of my case. However, I have been in contact with a private attorney who has informed me that when he has the time he will look

info, my pending civil rights actions, yet, he has not contacted me any more of whether he has done so as of yet.

I am a complete layman to the laws and applicable rules of the civil procedure, hence, my reasoning for requesting to be assigned counsel to represent me in this civil procedure within the initial filing of my complaint. And without legal assistance, I have no idea how to proceed with these issues at this time.

It would be greatly appreciated by me if you could inform the judge over seeing my case of this matter so that he or she can act on this information, and I may know where to proceed with my litigation.

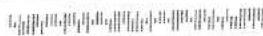
As always, your time, concern and patience are all greatly appreciated by me

Thank You!

Kind Regards,
M. [Signature]
Pro Se Edward Randolph
Attorney of Record

cc: filed
Plaintiff Records

Edward Randolph
C# 26396
Central New York Psychiatric Center
9005 Old River Rd.
P.O. Box 300
Marcy, N.Y. 13403



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ANDS
SDNY
EaNSN

Legal Mail

To: Clerk of the Court
United States District Court
Southern District of New York
Daniel Patrick Mourihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

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Pro Se

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URGENT
Response
Requested

Date Sent: 3-28-21

Pro Se
Intake

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Rev. May 2014

-----X

**CIVIL CASE DISCOVERY PLAN
AND SCHEDULING ORDER**

- against -

Plaintiff(s),

Defendant(s).

_____ CV _____ (NSR)

-----X

This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties [consent] [do not consent] to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case [is] [is not] to be tried to a jury.
3. Joinder of additional parties must be accomplished by _____.
4. Amended pleadings may be filed until _____. Any party seeking to amend its pleadings after that date must seek leave of court via motion.
5. Interrogatories shall be served no later than _____, and responses thereto shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 [shall] [shall not] apply to this case.
6. First request for production of documents, if any, shall be served no later than _____.
7. Non-expert depositions shall be completed by _____.
 - a. Unless counsel agree otherwise or the Court so orders, depositions shall not be held until all parties have responded to any first requests for production of documents.
 - b. Depositions shall proceed concurrently.
 - c. Whenever possible, unless counsel agree otherwise or the Court so orders,

non-party depositions shall follow party depositions.

8. Any further interrogatories, including expert interrogatories, shall be served no later than _____.
9. Requests to Admit, if any, shall be served no later than _____.
10. Expert reports shall be served no later than _____.
11. Rebuttal expert reports shall be served no later than _____.
12. Expert depositions shall be completed by _____.
13. Additional provisions agreed upon by counsel are attached hereto and made a part hereof.
14. **ALL DISCOVERY SHALL BE COMPLETED BY _____.**
15. Any motions shall be filed in accordance with the Court's Individual Practices.
16. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference).
17. The Magistrate Judge assigned to this case is the Hon. _____.
18. If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
19. The next case management conference is scheduled for _____, at _____. (The Court will set this date at the initial conference.)

SO ORDERED.

Dated: White Plains, New York

Nelson S. Román, U.S. District Judge