

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JUDE BONNEAU,

Petitioner,

- against -

JAMIE LAMANNA,

Respondent.

18 CV 2228 (CS) (LMS)

ORDER

THE HONORABLE LISA MARGARET SMITH, U.S.M.J.¹

The undersigned is in receipt of Petitioner's letter dated December 18, 2019, in which Petitioner informs the Court that "the documents under seal have not been entered into the record and served upon me as ordered by you" and requests the status of the undersigned's order along with an updated docket sheet. ECF No. 40. Petitioner appears to be mistaken; on September 12, 2019, the undersigned granted Respondent's motion to file Petitioner's pre-sentence investigation report under seal because such reports are considered confidential pursuant to state law. See ECF Nos. 33, 34. The undersigned did not order that the sealed documents be served on Petitioner. Petitioner's amended objection to Respondent's motion was received on September 30, 2019, and was decided by the Honorable Judge Cathy Seibel on October 1, 2019. ECF Nos. 38, 39. Judge Seibel overruled Petitioner's objection to the extent that it was an appeal of the undersigned's ruling under Federal Rule of Civil Procedure 72 and noted that the pre-sentence investigation report is confidential under New York Criminal Procedure Law § 390.50. The electronic docket sheet reflects that a sealed document was received on September 25, 2019, see

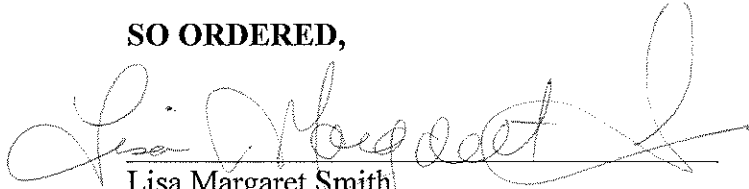
¹ The Honorable Judge Cathy Seibel referred this habeas corpus matter to the undersigned on April 12, 2018. ECF No. 7.

ECF No. 36, and the undersigned has confirmed that it is the pre-sentence investigation report. Therefore, the record accurately reflects receipt of the sealed document.

The Clerk shall send a copy of this order along with an updated docket sheet to Petitioner.

Dated: January 23, 2020
White Plains, New York

SO ORDERED,



Lisa Margaret Smith
United States Magistrate Judge
Southern District of New York