

**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.<sup>1</sup>**

The undersigned is in receipt of Petitioner's letter dated May 13, 2020, requesting the Court to appoint counsel for Petitioner. ECF No. 43. On August 6, 2019, the undersigned denied Petitioner's prior oral request for the appointment of counsel based on Petitioner's inability to satisfy the Hodge factors.<sup>2</sup> ECF No. 30. Petitioner asserts that his legal assistant has regrettably passed away due to COVID-19, but this does not address the Court's prior finding that Petitioner had not shown that his claims are likely be successful on the merits, its lack of information about Petitioner's attempt to obtain counsel, and its prior finding that Petitioner is capable of handling this case without assistance at this time. For that reason, Petitioner's request for counsel is **DENIED WITHOUT PREJUDICE**.

The undersigned is also in receipt of Petitioner's letter dated February 4, 2020, appearing to request that the undersigned reconsider Judge Seibel's October 1, 2019, order. ECF No. 42 ("Judge Seibel over ruling [sic] of my objection stating, 'the pre-sentence report is confidential

---

<sup>1</sup> The Honorable Judge Cathy Seibel referred this matter to the undersigned on April 12, 2018. ECF No. 7.

<sup>2</sup> Hodge v. Police Officers, 802 F.2d 58 (2d Cir. 1986), provides the standard courts in this circuit use to determine whether the appointment of counsel in a civil matter is appropriate.

under New York Criminal Procedure law §390.50” [] is misplaced . . .”). First, motions for reconsideration must be made within fourteen (14) days of the Court’s ruling. Local Rule 6.3. The time for formally requesting reconsideration had passed by the time of Petitioner’s February 4, 2020, letter. Second, Judge Seibel stated in her order “Should the Magistrate Judge find anything in the [presentence] report to be material to her Report and Recommendation, I am sure she will either share it with Petitioner in advance or find another way to convey the necessary information to Petitioner to ensure he has the opportunity to be heard on the matter.” ECF No. 39. The undersigned affirms that, if it is determined that the presentence report is necessary to producing a Report and Recommendation on Petitioner’s claims, the Court will find a way to convey the necessary information to Petitioner and allow Petitioner sufficient time to prepare a reply. A copy of this order was mailed by chambers to pro se Petitioner of record.

Dated: June 4, 2020  
White Plains, New York

**SO ORDERED,**



---

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