

MEMORANDUM ENDORSEMENTBright v. Annucci et al, No. 7:18-cv-11111 (NSR)

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>10/6/2022</u>

The Court has reviewed *pro se* Plaintiff's attached submission seeking the Court's reconsideration of withdrawal of former Plaintiff's counsel Kissinger Sibanda. The Court DENIES *pro se* Plaintiff's request for the Court to order Mr. Sibanda to remain on the action as Plaintiff's "legal assistant." Plaintiff is reminded that he is now proceeding *pro se*, which means he represents himself and may file his own motions or letters to the Court without the use of a legal assistant. Furthermore, as noted in the Court's September 28, 2022 Endorsement (ECF No. 174), *pro se* Plaintiff may inform the Court if he has found new counsel.

Plaintiff claims former counsel Mr. Sibanda filed various motions to the Court without his consent. Specifically, Plaintiff requests withdrawal of the motion filed by Mr. Sibanda on Plaintiff's behalf requesting withdrawal of Magistrate Judge Davison from the matter. Accordingly, this Court will not consider Plaintiff's September 19, 2022 filing (ECF No. 168), which requested a premotion conference with the Court to discuss "removal of the case back to district judge for all purposes."


Lastly, Plaintiff indicates he may wish to pursue future legal actions against Mr. Sibanda. If Plaintiff deems Mr. Sibanda's alleged conduct arises to the level of a violation, Plaintiff may report such conduct to the appropriate disciplinary committee or bring a new action against the individual with the relevant claims.

The Clerk of Court is directed to terminate the motion at ECF No. 177 and to mail a copy of this Endorsement to *pro se* Plaintiff at his address listed on ECF and to show service on the docket.

DATED: October 6, 2022

White Plains, NY

SO ORDERED:


HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/5/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Willie BRIGHT
V

ANTHONY ANNUCCI ET. AL.

RECEIVED
OCT 05 2022
NELSON S. ROMÁN
U.S. DISTRICT JUDGE
S.D.N.Y.

MOTION FOR COURT'S
Reconsideration on Sibanda
SECOND WITHDRAW
18-cv-11111 (NSR)

TO Hon. JUDGE NELSON ROMAN

PLAINTIFF IS LEAVING AT THE COMPLETE WISDOM AND DISCRETION OF JUDGE ROMAN ON HOW THIS MATTER SHOULD BE LEGALLY RESOLVED, BUT NEEDS TO LEGALLY POINT OUT PLAINTIFF FEELS MR. SIBANDA TWO LEGAL ACTIONS WITHOUT ANY LEGAL CONSULTATION WITH PLAINTIFF AND ENTIRELY WITHOUT HIS KNOWLEDGE HAS LEGALLY UNDERMINE AND PREJUDICE THE VALIDITY OF HIS SC. BECAUSE THEY ALLEGE MATTERS NOT STATED IN THE SC, AND INCLUDE INCORRECT DATES WHEN ATTEMPTING TO POINT OUT WHEN LEGAL PERMISSION WAS GRANTED TO CONSOLIDATE AND FAILS TO ADDRESS RULE 15(d) HE THEN SENT YOU ANOTHER LEGAL ACTION WITHOUT COMING TO SEE PLAINTIFF FIRST AND REQUESTED MS DAVISON BE REMOVED AND NOW WANTS TO LEAVE PLAINTIFF TO CORRECT

HIS LEGAL ERROR AS HE WITHDRAWS ENTIRELY FROM ALL LEGAL OBLIGATIONS FROM THIS MATTER, MR. SIBIRDA NEED TO MEET HIS LEGAL OBLIGATIONS AS A ATTORNEY AND VISIT HIS CLIENTS AND LEGALLY CONCOCT WITH THEM PRIOR TO SENDING THE COURT'S LEGAL ACTIONS ON THEIR BEHALF AND BECAUSE HIS ACTIONS HAVE UNDERMINE AND PREJUDICE PLAINTIFF SO ALLEGING FACTS NOT MENTIONED, COMBINED WITH MR. SIBIRDA CONCEDEING TO THE FACT THAT THESE MULTIPLE PHYSICAL AND SEXUAL ASSAULT BY PRISON STAFF HAS PERMANENTLY DAMAGED PLAINTIFF EMOTIONALLY AND MENTALLY HE SHOULD NOT BE ALLOWED TO WITHDRAW ENTIRELY FROM THIS MATTER BUT ORDER TO REMAIN INVOLVED AS A LEGALLY ASSISTANT BECAUSE PLAINTIFF HAD NO KNOWLEDGE OF THE TWO ACTIONS SUBMITTED BY MR. SIBIRDA AND WOULD NOW BE FORCED TO DEFEND LEGALLY ACTIONS UNDERSTOOD BY ONLY MR. SIBIRDA. HE HAS BEEN SENT A MOTION TO SEND TO HON. MJ JAVISON AS MY LEGAL ASSISTANT AND ON THE PRISON PHONE AT HIS FIRST WITHDRAW SAID HE WOULD ALWAYS BE THERE TO DO...

Willie Byrd

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

WILLIE BRIGHT,

plaintiff,

VS.

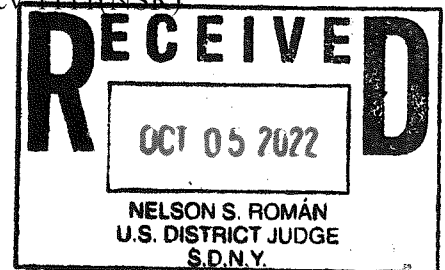
ANTHONY ANNUCCI, et al.,

respondent(s).

RESPONSE TO MR. SIBANDA
SECOND WITHDRAWAL

MOTION FOR PEOPLE'S
RESPONSE

No.: 18-cv-1111(NSR)



TO: HONORABLE JUDGE NELSON ROMAN:

Sir, my sister has asked me to send you this letter for possible future legal actions against Mr. Sibanda. He is being completely dishonest about his reason for withdrawal from this case as my attorney and the facts are as follow.

Prior to calling me at Clinton Correctional Facility about becoming my legal attorney Mr. Sibanda was aware plaintiff had sent the Court a legal motion to consolidate a supplemental action into his original complaint. In our very first conversation on the prison phone, which is subject to recording for evidence; Mr. Sibanda in that conversation attempted to persuade plaintiff he did not need to add his supplemental complaint into his original complaint. Plaintiff told Mr. Sibanda the supplemental complaint was related to the original complaint and that ongoing constitutional violations now occurring at Clinton CF were in direct relation to the original complaint and that I had physical evidence to support this.

I asked Mr. Sibanda to please come see me at the prison so I could show him why I was so legally adamant about the supplemental complaint, but I would never change my mind about it. It was at this time, if Mr. Sibanda had an ABA Model Rule of Professional Conduct 1.16.B (4), and DC Bar Rule 16.A (1) argument he was then legally required to tell me in our very first conversation that he did not agree with my position about the supplemental complaint and he could not move forward as my attorney. Mr. Sibanda, understanding my position about the supplemental complaint agreed to represent this action and legally committed to it by sending me his retainer papers which I signed on August 25, 2022.

After our first conversation, however, as opposed to coming to visit plaintiff and legally consorting with him and getting the evidence to submit to Hon. MJ Davison in our upcoming September 13, 2022 supplemental complaint hearing, Mr. Sibanda sent Judge Davison his own legal reason for why he felt the supplemental complaint should be added to the original complaint and added allegations that are not in the supplemental complaint, such as rapes and tortures.

Had Mr. Sibanda simply come to me on a visit as his legal client, this could have been avoided. Plaintiff is now requesting that action be withdrawn from this litigation. Plaintiff has asked Mr. Sibanda to make Judge Davison aware that phone hearing court procedures deny a plaintiff legal opportunity to confer views with his attorney about arguments raised by defendants as would be the case if I was sitting next to him. Therefore, I will need to speak at the supplemental complaint hearing.

Mr. Sibanda never made Judge Davison aware of this and when I attempted to express this, Judge Davison attempted to completely silence me of which I am now

legally objecting to. Plaintiff was allowed to legally confer with his attorney and because he was not physically next to him, should have been afforded a legal opportunity to address the Court. The supplemental complaint hearing was a legal disaster that accomplished nothing. Mr. Sibanda then, without consorting legally with plaintiff sent you a legal action requesting the removal of Judge Davison from this action and a new magistrate judge be assigned.

Plaintiff is now requesting that action be withdrawn from the record as well, because Judge Roman has already made plaintiff aware of his position and that is Hon. Judge Davison must be given an opportunity to rule for or against the supplemental action and had Mr. Sibanda legally conferred with me before sending you this action, he would have known that.

In any event, plaintiff has Mr. Sibanda on record committing to legally assisting plaintiff and plaintiff is sending him a motion to send to Judge Davison as my legal assistant only despite it using the word client. Sorry for the mix-up.

Willie Bright

Willie Bright
#91A4231
Clinton CF
PO Box 2001
Dannemora, NY 12929

cc.: Attorney General
Letitia James