

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DETROY LIVINGSTON,

Plaintiff,

DECISION AND ORDER

08-CV-6576L

v.

JAMES ESCROW,
GREGORY HARVEY,
KEITH DUBRAY,
JOHN DOE,
WILLIAM BILLS,
BRIAN FISCHER,

Defendants.

Plaintiff, Detroy Livingston (“Livingston”), filed a motion for a preliminary injunction (Dkt. #18). The requested relief is that I order the New York State Court of Appeals to accept papers Livingston submitted, which were deemed untimely, in support of his application for relief before that court from a criminal conviction.

The motion for a preliminary injunction must be denied. This Court has no jurisdiction or authority to order a New York State court to take any action. Livingston claims that the reason his filings were late is because officials at the Department of Corrections did not timely deliver Livingston’s mail.

The relief, if any, is for Livingston to submit the same information he has provided here to that court and ask it to reconsider its dismissal of Livingston's action there.

CONCLUSION

Plaintiff's motion for a preliminary injunction (Dkt. #19) is denied.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
October 7, 2009.