

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:05-cv-08255-RMB-DCF

Gonzalez v. Westchester County Department of Corrections et al Date Filed: 09/26/2005
Assigned to: Judge Richard M. Berman Date Terminated: 03/12/2008
Referred to: Magistrate Judge Debra C. Freeman Jury Demand: Plaintiff
Lead case: [1:05-cv-08120-RMB](#) Nature of Suit: 555 Prisoner: Prison
Member case: [\(View Member Case\)](#) Condition
Related Case: [1:05-cv-08120-RMB](#) Jurisdiction: Federal Question
Cause: 42:1983 Prisoner Civil Rights

Plaintiff

Carmelo Gonzalez

represented by **Carmelo Gonzalez**
183763
Westchester County Jail
P.O. Box 10
Valhalla, NY 10595
PRO SE

V.

Defendant

Westchester County Department of Corrections
as a County Agency

Defendant

Commissioner Rocco Pozzi
individually

Defendant

Rocco Pozzi
Commissioner of the Westchester County Department of Corrections

Defendant

Warden Anthony Amicucci
individually

Defendant

Anthony Amicucci
as the Senior Administrator of the Westchester County Jail

Defendant

Captain Orlando
individually

Defendant

Captain Orlando
as the facility grievance coordinator of the Westchester County Jail

Date Filed	#	Docket Text
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09/26/2005	1	ENDORSEMENT on Declaration in Support of Request to Proceed In Forma Pauperis, I.F.P. REQUEST IS GRANTED. (Signed by Judge Laura Taylor Swain on 9/26/5) (laq,) (Entered: 09/28/2005)
09/26/2005	2	COMPLAINT against Westchester County Department of Corrections, Rocco Pozzi(individually), Rocco Pozzi(Commissioner of the Westchester County Department of Corrections), Anthony Amicucci(individually), Anthony Amicucci(as the Senior Administrator of the Westchester County Jail), Orlando(individually), Orlando(as the facility grievance coordinator of the Westchester County Jail). Document filed by Carmelo Gonzalez.(laq,) (Entered: 09/28/2005)
09/26/2005		Magistrate Judge Heby B. Pitman is so designated. (laq,) (Entered: 09/28/2005)
10/28/2005	3	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for GENERAL PRETRIAL. Referred to Magistrate Judge Henry B. Pitman. (Signed by Judge Laura Taylor Swain on 10/5/05) (kco,) (Entered: 10/28/2005)
11/22/2005	4	NOTICE OF CASE REASSIGNMENT to Judge Richard M. Berman. Judge Laura Taylor Swain no longer assigned to the case. (jeh,) (Entered: 11/30/2005)
11/22/2005		Mailed notice to the attorney(s) of record. (jeh,) (Entered: 11/30/2005)
11/29/2005	5	ORDER; that cases 05cv8120(RMB), 05cv8255 (RMB), 05cv8256(RMB), 05cv9226(RMB) are hereby consolidated. (Signed by Judge Richard M. Berman on 11/29/05) (pl,) (Entered: 11/30/2005)
11/29/2005		CONSOLIDATED MEMBER CASE: Case consolidated with 1:05-cv-8120. (pl,) (Entered: 11/30/2005)
12/22/2005	6	NOTICE OF REASSIGNMENT OF A REFERRAL TO ANOTHER MAGISTRATE JUDGE. The referral in the above entitled action has been reassigned to Magistrate Judge Debra C. Freeman, for General Pretrial. Magistrate Judge Henry B. Pitman no longer referred to the case. (jeh,) (Entered: 12/23/2005)
12/22/2005		Mailed notice to the attorney(s) of record. (jeh,) (Entered: 12/23/2005)
12/23/2005	7	ORDER: Both sides are to advise me how much time they believe is appropriate for the completion of discovery. So Ordered. (Signed by Judge Henry B. Pitman on 12/13/2005) (jmi,) (Entered: 12/27/2005)
12/23/2005		ENDORSED LETTER addressed to Magistrate Judge Henry B. Pitman from Charlene M. Indelicato dated 11/17/2005 re: to request an extension of time on the Rosa and Gonzalez motion to dismiss(The County of Westchester's timeto move is Monday November 21,2005) in the event the cases are not consolidated by Monday. ENDORSEMENT: Application Granted in 05civ8255 and 05civ8256. SO ORDERED. (Original Filed in case#05-cv-8120 as document#6). (Signed by Judge Henry B. Pitman on 11/15/2005) (jmi,) (Entered: 12/28/2005)
01/10/2006	8	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED. Captain Orlando served on 11/15/2005, answer due 12/5/2005. Service was accepted by Robert M. Orlando. Document filed by Carmelo Gonzalez. (kco,) Modified on 1/11/2006 (kco,). (Entered: 01/11/2006)
01/10/2006	9	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED. Anthony Amicucci served on 11/16/2005, answer due 12/6/2005. Service was accepted by Anthony P. Amicucci. Document filed by Carmelo Gonzalez. (kco,) Modified on 1/11/2006 (kco,). (Entered: 01/11/2006)
01/10/2006	10	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED. Rocco Pozzi(individually) served on 11/16/2005, answer due 12/6/2005. Service was accepted by Rocco Pozzi. Document filed by Carmelo Gonzalez. (kco,) Modified on 1/11/2006 (kco,). (Entered: 01/11/2006)
09/15/2006	11	FILING ERROR – ELECTRONIC FILING IN NON-ECF CASE – MOTION to Dismiss. Document filed by Westchester County Department of Corrections, Rocco Pozzi, Anthony Amicucci, Orlando. Responses due by 10/31/2006 Return Date set for 11/14/2006 11:59 PM. (Attachments: # <u>1</u> Declaration of Christie L. Magno# <u>2</u> Notice of Exhibits# <u>3</u> Memorandum of Law In Support of Motion To Dismiss)Filed In Associated Cases: 1:05-cv-08120-RMB,1:05-cv-08255-RMB-DCF,1:05-cv-08256-RMB-DCF,1:05-cv-09226-RMB(Magistrate Judge Christie) Modified on 9/15/2006 (kg). (Entered: 09/15/2006)
09/15/2006		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – NON-ECF CASE ERROR. Note to Attorney Chris Lynne Magno to MANUALLY RE-FILE Document Motion to dismiss, Document No. 11. This case is not ECF. (kg) (Entered: 09/15/2006)
12/07/2006	12	REPLY AFFIRMATION of Christie Magno in Support re: <u>14</u> MOTION to Dismiss., <u>19</u> MOTION for Preliminary Injunction.. Document filed by Westchester County Department of Corrections, Rocco Pozzi, Anthony Amicucci, Orlando. (Attachments: # <u>1</u> Reply Memorandum of Law)Filed In Associated Cases: 1:05-cv-08120-RMB,1:05-cv-08255-RMB-DCF,1:05-cv-08256-RMB-DCF,1:05-cv-09226-RMB(Magistrate Judge Christie) (Entered: 12/07/2006)

11/08/2007	<u>13</u>	ENDORSED LETTER addressed to Judge Richard Berman from Christie L. Magno dated 11/8/07 re: Request that the scheduled conference on 12/10/07 at 9:30 a.m. be adjourned to 11:00 a.m. ENDORSEMENT: Adjourned to 11:00 a.m. on 12/10/07. Let's have everyone in person. Settlement Conference set for 12/10/2007 at 11:00 AM in Courtroom 14A, 500 Pearl Street, New York, NY 10007 before Judge Richard M. Berman. (Signed by Judge Richard M. Berman on 11/8/07) Filed In Associated Cases: 1:05-cv-08120-RMB, 1:05-cv-08255-RMB-DCF, 1:05-cv-08256-RMB-DCF, 1:05-cv-09226-RMB(db) (Entered: 11/08/2007)
01/22/2008	<u>14</u>	ADMINISTRATIVE ORDER: The Clerk of Court is respectfully requested to designate this case as related to the lead case in this matter, Perez v. Westchester County Department of Corrections, No. 05cv8120. (Signed by Judge Richard M. Berman on 1/22/08) (dle) (Entered: 01/22/2008)
01/22/2008		CONSOLIDATED MEMBER CASE: Create association to 1:05-cv-08120-RMB. (dle) (Entered: 01/22/2008)
01/22/2008		CASE ACCEPTED AS RELATED. Create association to 1:05-cv-08120-RMB. (kco) (Entered: 01/23/2008)
03/12/2008	<u>15</u>	ORDER OF SETTLEMENT, RELEASE AND STIPULATION OF DISCONTINUANCE: For reasons further set forth in said Order, this action is settled and discontinued with prejudice as against the County Defendants. See sections 1-2 for stipulations regarding the term "halal" as defined as any food in compliance with the Holy Qur'an. The Court retains discretion to accept any such case(s) as related. The Clerk is requested to close this case (LEAD CASE 05cv8120(RMB)) and ALL RELATED CASES. (Signed by Judge Richard M. Berman on 3/12/08) Filed In Associated Cases: 1:05-cv-08120-RMB et al.(db) (Entered: 03/12/2008)
03/12/2008	<u>16</u>	ENDORSED LETTER addressed to Judge Richard M. Berman from Richard B. Cohen dated 3/12/08 re: Request for the following briefing schedule - Plaintiff's petition for attorneys fees due 4/18/08; defendant's opposition due 5/9/08; reply due 5/23/08. ENDORSEMENT: Good job! Settlement has been so ordered. The Court also encourages settlement of the legal fees issue - - If that cannot occur, the enclosed briefing schedule is acceptable. SO ORDERED. (Signed by Judge Richard M. Berman on 3/12/08) Filed In Associated Cases: 1:05-cv-08120-RMB et al.(db) (Entered: 03/12/2008)
05/23/2008	<u>17</u>	MEMORANDUM OF LAW in Opposition re: (44 in 1:05-cv-08120-RMB) MOTION for Attorney Fees. Document filed by Westchester County Department of Corrections, Westchester County Department of Corrections, Westchester County Department of Corrections. Filed In Associated Cases: 1:05-cv-08120-RMB, 1:05-cv-08255-RMB-DCF, 1:05-cv-08256-RMB-DCF, 1:05-cv-09226-RMB, 1:05-cv-10462-RMB(pl) (Entered: 05/28/2008)
05/23/2008	<u>18</u>	DECLARATION of Christie L. Magno in Opposition to Application for payment of Attorney Fees to Fox Rothschild LLP. Document filed by Westchester County Department of Corrections, Westchester County Department of Corrections, Westchester County Department of Corrections, Westchester County Department of Corrections, Westchester County Department of Corrections. Filed In Associated Cases: 1:05-cv-08120-RMB et al.(pl) (Entered: 05/28/2008)