

ADMITTED TO PRACTICE IN:
NEW YORK; NEW JERSEY;
UNITED STATES SUPREME COURT;
U.S. COURTS OF APPEALS FOR THE
SECOND AND THIRD CIRCUITS;
U.S. DISTRICT COURTS FOR THE
EASTERN DISTRICT OF TEXAS,
DISTRICT OF NEW JERSEY,
NORTHERN DISTRICT OF FLORIDA,
NORTHERN DISTRICT OF ILLINOIS,
DISTRICT OF CONNECTICUT, AND
NORTHERN, SOUTHERN & EASTERN
DISTRICTS OF NEW YORK; U.S.
COURT OF INTERNATIONAL TRADE;
U.S. COURT OF FEDERAL CLAIMS.

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August 24, 2015

The Honorable Pamela K. Chen
United States District Judge
United States District Court, E.D.N.Y.
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Maloney v. Singas*, CV-03-0786
Filed via ECF

Dear Judge Chen:

I am the *pro se* plaintiff in this matter, and must respectfully bring to the Court's attention the following: As of today, 13 days after the Court entered the text order (copy attached as Appendix hereto) finding as moot my letter motion (ECF Document 150) to remove Tatum J. Fox, Esq., of the Nassau County Police Department from the Notice of Electronic Filing ("NEF") distribution (also known as "bounces") on this case, **such NEF distribution continues.**

In my reply (ECF Document 152) I pointed out: (a) that such distribution was continuing even after the County made its request to the ECF Support Clerk (which was the basis for the Court's finding my motion moot); and (b) that the response from the ECF Support Clerk to my identical request was that the attorneys themselves must make that request, *see id.* at footnote 1 (citing ECF Document 150-1 (exhibit to my letter motion showing the response to my request)).

Given the above, I am today filing this explanatory letter, together with all the papers required on a motion for reconsideration. I am mindful of the requirements imposed by Local Civil Rule 6.3, and am thus "between a sword and a wall."¹ I consider this matter of continuing NEF distribution with corresponding "free looks" (i.e., PACER fee exemption) by a federal court to police personnel in the current context to be both serious and significant.

Respectfully,

/s

James M. Maloney

¹ This metaphor, used more widely in Spanish than in English, is roughly the equivalent of "between a rock and a hard place," and is believed to derive from the Biblical passage found in the Book of Numbers at Chapter 22, verses 23-24. Here, the metaphor seems particularly appropriate, because the "sword" that is jabbing repeatedly is the NEF distribution sought to be stopped, while the "wall" is Rule 6.3's 14-day limitation that would, if I were to disregard it, render a late request for reconsideration procedurally improper.



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Activity in Case 2:03-cv-00786-PKC-AYS Maloney v. Rice Order on Motion to Withdraw as Attorney

1 message

ecf_bounces@nyed.uscourts.gov <ecf_bounces@nyed.uscourts.gov>
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Tue, Aug 11, 2015 at 8:32 AM

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U.S. District Court
Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 8/11/2015 at 9:32 AM EDT and filed on 8/11/2015

Case Name: Maloney v. Rice
Case Number: [2:03-cv-00786-PKC-AYS](#)
Filer:
Document Number: No document attached

Docket Text:

ORDER finding as moot [150] Motion to Withdraw as Attorney: In light of the County's representation [151] that it has made a request to have Ms. Tatum Fox and Mr. David Tauster removed from the ECF notification list, the Court denies Plaintiff's motion [150] as moot. Ordered by Judge Pamela K. Chen on 8/11/2015. (Chiang, May)

2:03-cv-00786-PKC-AYS Notice has been electronically mailed to:

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David Adam Tauster dtauster@kdvlaw.com

2:03-cv-00786-PKC-AYS Notice will not be electronically mailed to: