W.D.N.Y.
16-cv-771
Skretny, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 22nd day of June, two thousand twenty-one.

Present:

Barrington D. Parker,
Raymond J. Lohier, Jr.,
Steven J. Menashi,
Circuit Judges.

Daniel Jones,

Plaintiff-Appellant,

v. 20-2174

Andrew M. Cuomo, New York State Governor, et al.,

Defendants-Appellees.

Appellant, pro se, moves for leave to proceed in forma pauperis ("IFP") and appointment of counsel. Upon due consideration, it is hereby ORDERED that the IFP motion is DENIED as unnecessary because the district court did not revoke Appellant's IFP status. *See* Fed. R. App. P. 24(a)(3). It is further ORDERED that the motion for appointment of counsel is DENIED and the appeal is DISMISSED because it "lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see* 28 U.S.C. § 1915(e).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 2nd day of September, two thousand twenty-one,

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Daniel Jones,

Plaintiff -Appellant,

v.

Andrew M. Cuomo, New York State Govenor, Brian S. Fischer, Commissioner of Department of Corrections and Community Supervision, Sandy Hamlin, Adminstrative Assistant, Donna Hall, Acting Associate Commissioner, Office of Mental Health, Courtney Bulter, Licensed Clinical Social Worker, Office of Mental Health, Katrina Colistra, Doctor of Psychology, Naomi Harrington, Director, Office of Mental Health, Melinda Buckey, Office of Mental Health,

Defendants - Appellees.

ORDER

Docket No: 20-2174

Appellant, Daniel Jones, filed a motion for panel reconsideration, or, in the alternative, for reconsideration *en banc*. The panel that determined the appeal has considered the request for reconsideration, and the active members of the Court have considered the request for reconsideration *en banc*.

IT IS HEREBY ORDERED that the motion is denied.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk