

W.D.N.Y.  
23-cv-1258  
Vilardo, 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 26<sup>th</sup> day of June, two thousand twenty-four.

Present:

Joseph F. Bianco,  
Sarah A. L. Merriam,  
*Circuit Judges,*  
Jane A. Restani,  
*Judge.\**

---

David C. Lettieri,

*Petitioner-Appellant,*

v.

24-400

Paul E. Bonanno,

*Respondent-Appellee.*

---

Appellant, proceeding pro se, moves for in forma pauperis status and to “grant [the] writ.” Upon due consideration, it is hereby ORDERED that the motion 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)(2)(B).

Appellant has filed a number of meritless matters in this and other Courts. Accordingly, Appellant is hereby warned that the continued filing of clearly meritless appeals, motions, or other papers could result in the imposition of a sanction that would require Appellant to obtain permission from this Court prior to filing further submissions in this Court (a “leave-to-file” sanction). *See In re Martin-Trigona*, 9 F.3d 226, 229 (2d Cir. 1993); *Sassower v. Sansverie*, 885

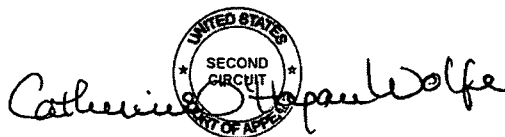
---

\* Judge Jane A. Restani, of the United States Court of International Trade, sitting by designation.

F.2d 9, 11 (2d Cir. 1989). Appellant may also be subject to the “three strikes” bar of 28 U.S.C. § 1915(g), which would prevent him from filing further actions or appeals IFP, if he is incarcerated or detained.

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk of Court

The block contains a handwritten signature in cursive script that reads "Catherine O'Hagan Wolfe". Overlaid on the signature is a circular official seal. The seal has the words "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "COURT OF APPEALS" at the bottom, with two small stars on either side of the center text.

**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 15<sup>th</sup> day of August, two thousand twenty-four.

---

David C. Lettieri,

Petitioner - Appellant,

v.

Paul E. Bonanno,

Respondent - Appellee.

---

**ORDER**

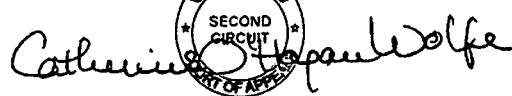
Docket No: 24-400

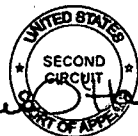
Appellant, David C. Lettieri, filed a motion for panel reconsideration, or, in the alternative, for reconsideration *en banc*. The panel that determined the appeal has considered the request for reconsideration, and the active members of the Court have considered the request for reconsideration *en banc*.

IT IS HEREBY ORDERED that the motion is denied.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

  
Catherine O'Hagan Wolfe



Judgment in a Civil Case

---

United States District Court  
WESTERN DISTRICT OF NEW YORK

---

DAVID C. LETTIERI

**JUDGMENT IN A CIVIL CASE**  
CASE NUMBER: 23-CV-1258

v.

PAUL E. BONANNO

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the petition is dismissed without prejudice to filing a civil complaint. The Court certifies that any appeal would not be taken in good faith and, therefore leave to appeal to the Court of Appeals as a poor person is denied.

Date: January 30, 2024

MARY C. LOEWENGUTH  
CLERK OF COURT

By: s/ Colin J.  
Deputy Clerk

**Additional material  
from this filing is  
available in the  
Clerk's Office.**