

N.D.N.Y.
24-cv-156
Kahn, J.
Lovric, M.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 24th day of October, two thousand twenty-four.

Present:

Pierre N. Leval,
Denny Chin,
Raymond J. Lohier, Jr.,
Circuit Judges.

David C. Lettieri,

Plaintiff-Appellant,

v.

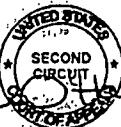
24-1392

Broome County Sheriffs, et al.,

Defendants-Appellees.

Appellant, proceeding pro se, moves for in forma pauperis status. 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)*.

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

Catherine O'Hagan Wolfe


**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JUDGMENT IN A CIVIL CASE

David C. Lettieri

Plaintiff(s)

vs.

CASE NUMBER: 3:24-cv-156 (LEK/ML)

**Broome County Sheriffs; Leon Brown;
David Gaska; and Jenelle Briengal**
Defendant(s)

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, should Plaintiff wish to proceed with this action, he must pay the \$405.00 filing and administrative fees within thirty (30) days from the filing of this Memorandum-Decision and Order. If Plaintiff does not pay the full filing and administrative fees within that timeframe, this case will be DISMISSED without prejudice and without further order of the Court.

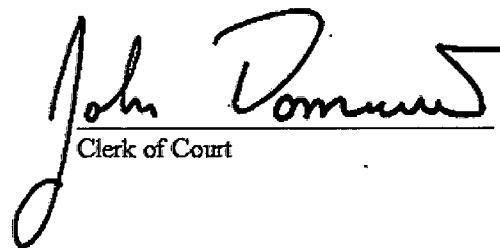
On April 24, 2024, the Court issued an order denying Plaintiff's motion to proceed in forma pauperis and requiring him to pay the \$405.00 filing and administrative fee. Dkt. No. 7 ("April Order"). On May 16, 2024, the Court received Plaintiff's motion for reconsideration of the April Order. Dkt. No. 8 ("Motion"). However, since Plaintiff simultaneously filed an appeal of the April Order with the Second Circuit, Dkt. No. 9, the Court lacks jurisdiction to review the Motion. See *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 59 (1982) ("The filing of a notice of appeal is an event of jurisdictional significance--it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal."). Accordingly, the Court will decline to rule on the Motion pending further instruction from the Second Circuit.

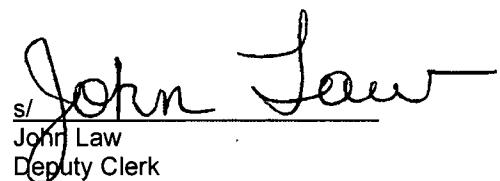
On April 24, 2024, this Court issued a Memorandum-Decision and Order stating that Plaintiff "must pay the \$405.00 filing and administrative fees within thirty (30) days." Dkt. No. 7 at 6. In light of the appeal and motion for reconsideration, the Court will reset the thirty (30) day deadline as of the Court's January 30, 2025 Text Order. Dkt. No. 16. Plaintiff must pay the \$405.00 filing and administrative fees by March 3, 2025, or the case will be DISMISSED without further order of the Court.

Plaintiff has failed to pay the \$405.00 filing and administrative fees by March 3, 2025.

All of the above pursuant to the orders of the Honorable **Lawrence E. Kahn**, dated April 24, 2024, May 22, 2024, and February 12, 2025.

DATED: March 6, 2025
Albany, New York


John Donnell
Clerk of Court


John Law
Deputy Clerk

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 17th day of January, two thousand twenty-five.

David C. Lettieri,

Plaintiff - Appellant,

v.

ORDER

Docket No: 24-1392

Broome County Sheriffs, Detective Leon Brown, David Gaska, Jenelle Briengal,

Defendants - Appellees.

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
