

ADMITTED TO PRACTICE IN:  
NEW YORK; NEW JERSEY;  
UNITED STATES SUPREME  
COURT; UNITED STATES  
COURTS OF APPEAL FOR  
SECOND AND THIRD CIRCUITS;  
SOUTHERN AND EASTERN  
DISTRICTS OF NEW YORK;  
DISTRICT OF NEW JERSEY;  
DISTRICT OF CONNECTICUT;  
NORTHERN DISTRICT OF  
ILLINOIS; UNITED STATES  
COURT OF INTERNATIONAL  
TRADE; UNITED STATES  
COURT OF FEDERAL CLAIMS.

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November 29, 2005

Hon. Michael L. Orenstein  
Chief Magistrate Judge  
United States District Court, E.D.N.Y.  
100 Federal Plaza  
Central Islip, New York 11722

FILED VIA ECF

Re: *Maloney v. Spitzer* (CV- 03-786) (ADS) (MLO)

Honorable Sir:

I am the *pro se* Plaintiff in the above-captioned case.

As discussed at the last conference before Your Honor on October 3, the Second Circuit's recent decision in *Bach v. Pataki*, which held that the Second Amendment is inapplicable to the States, has direct bearing on this case. Since the October 3 conference, Mr. Bach, through the law offices of Kellogg Huber Hansen Todd Evans & Figel, has sought an extension of time to petition for *certiorari*. His application was granted by Justice Ginsburg, setting a new deadline of December 19, 2005.

In light of this new information, and for the same reasons discussed among the parties and Your Honor at the October 3 conference, it is respectfully requested that the conference before Your Honor scheduled for this Thursday, December 1, be adjourned to a date that would allow a length of time to observe the progress of *Bach v. Pataki* of a similar duration to that contemplated at the October 3 conference, i.e., about 60 days following the deadline to petition for *certiorari*, which would now be in mid-February 2006.

Ms. Nese, who represents the State defendants, joins me in this request for an adjournment. I was unable to reach Ms. Fox, who represents the Nassau County District

Attorney's office, but will follow up with another call to her office tomorrow, November 30, and advise chambers of her position.

Ms. Nese has also requested, and I hereby consent, to an additional adjournment of the time for the State defendants to answer or move with respect to the Amended Verified Complaint. As before, this may be adjourned to the next conference date.

Respectfully,

\_\_\_\_\_s/\_\_\_\_\_

James M. Maloney

cc.: Dorothy Oehler Nese, Esq.  
Tatum J. Fox, Esq.