

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

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ORIGINAL FILED VIA ECF

Hon. Arthur D. Spatt
United States District Court Judge
United States District Court, E.D.N.Y.
Central Islip, New York 11722

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

Honorable Sir:

I am the *Pro Se* Plaintiff in the above-captioned case. This letter is sent in compliance with Your Honor's Individual Rule I(F).

I write jointly with Dorothy Oehler Nese, Esq., Assistant Attorney General, who represents Attorney General Spitzer and Governor Pataki (the "State Defendants"), in this declaratory judgment action concerning the constitutionality of New York's prohibition of in-home possession of nunchaku, a martial-arts weapon.

After Plaintiff's service and filing of the Amended Complaint in September 2005 (following Your Honor's Order of August 31, 2005), the State Defendants sought and received from Magistrate Judge Orenstein, with Plaintiff's consent, extensions of time to answer or reply with respect to the Amended Complaint. Defendant District Attorney Dillon, represented by separate counsel, has answered.

Additionally, the parties, on mutual agreement and with Magistrate Judge Orenstein's consent, adjourned several status conferences while waiting to see whether the United States Supreme Court would grant *certiorari* in *Bach v. Pataki*, a 2005 Second Circuit decision in which it was held that the Second Amendment is inapplicable as against the States. Recently, the Supreme Court has denied *certiorari* in *Bach v. Pataki*. The parties are now ready to proceed in

this case, but the State Defendants request additional time to answer or move with respect to the Amended Complaint.

A status conference in this matter is currently scheduled before Magistrate Judge Orenstein on April 11, 2006, at 2:30 p.m. The State Defendants request until that date, April 11, 2006, to answer or move with respect to the Amended Complaint.

Plaintiff does not object to this request provided that, if a Rule 12 motion is served in lieu of an Answer, Plaintiff will have at least 45 days from service thereof to respond

Respectfully,

/s

James M. Maloney

cc:

Hon. Michael L. Orenstein
Chief Magistrate Judge
United States District Court, E.D.N.Y
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