

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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April 3, 2006

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 et al.* (CV- 03-786) (ADS) (MLO)

Honorable Sir:

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

I write, jointly with counsel for all Defendants, to request that the conference before Your Honor scheduled for Tuesday, April 11, 2006, at 2:30 p.m., be held telephonically. Ms. Nese, the attorney for Defendants Eliot Spitzer and George Pataki, has offered to initiate the conference call, convening all three attorneys and then calling chambers.

Since the last conference, all attorneys have stipulated to a general briefing timetable that will apply once any dispositive motion is made. The original stipulation, executed by all attorneys, is enclosed with the courtesy copy of this letter, and it is respectfully requested that Your Honor "so order" it. Defendants Eliot Spitzer and George Pataki will be answering or moving with respect to the Amended Complaint by April 11, 2006, before the conference is held. If a 12(b) motion is made, the terms of the stipulation will apply.

Lastly, I note that on February 21, 2006, the Supreme Court denied *certiorari* in the *Bach v. Pataki* case, in which the Second Circuit had held that it was bound by prior Supreme Court precedent that, in turn, had held that the Second Amendment is not incorporated as against the States.

Respectfully,

/s

James M. Maloney

cc: Dorothy Oehler Nese, Esq.
Liora M. Ben-Sorek, Esq.