

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

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JAMES M. MALONEY,

Plaintiffs,

**ORDER**  
03 CV 0786 (ADS)(MLO)

-against-

ANDREW CUOMO, in his official capacity as  
Attorney General of the State of New York, ELIOT  
SPITZER, in his official capacity as Governor of  
the State of New York, and KATHLEEN A. RICE,  
in her official capacity as District Attorney of the  
County of Nassau, and their successors,

Defendants.

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**APPEARANCES:**

**JAMES M. MALONEY**  
Plaintiff Pro Se  
33 Bayview Avenue  
Port Washington, New York 11050

**ANDREW CUOMO**  
**STATE OF NEW YORK**  
**OFFICE OF THE ATTORNEY GENERAL**  
Attorneys for the State Defendants  
200 Old County Road, Suite 460  
Mineola, New York 11545-1403  
By: Assistant Attorney General, Dorothy O. Nese

**LORNA B. GOODMAN**  
**NASSAU COUNTY ATTORNEY'S OFFICE**  
Attorney for the District Attorney  
One West Street  
Mineola, New York 11051  
By: Deputy County Attorney, Liora M. Ben-Sorek  
Deputy County Attorney Tatum J. Fox

**JONATHAN LEE RICHES**

d/b/a Bernard Madoff  
Movant *Pro Se*  
#40948-018  
Federal Medical Center  
P.O. Box 14500  
Lexington, KY 40512

**SPATT, District Judge.**

Jonathan Lee Riches, appearing *pro se*, brings the present motion pursuant to Fed. R. Civ. P. 24(a) and (b) seeking to intervene as a plaintiff in this action as a plaintiff to this action. By his motion, Riches states that he has an interest in the present action as he is prevented from possessing weapons in order to defend himself in prison even though he is a non-violent white collar offender in a medium security prison. (Motion to Intervene by Jonathan Lee Riches, June 30, 2009).

At the outset, the Court notes that submissions by *pro se* parties should be held “to less stringent standards than formal pleadings drafted by lawyers. . . .” *Hughes v. Rowe*, 449 U.S. 5, 9, 101 S.Ct. 173, 176, 66 L.Ed.2d 163 (1980) (per curiam) (quoting *Haines v. Kerner*, 404 U.S. 519, 520, 92 S.Ct. 594, 595, 30 L.Ed.2d 652 (1972)). Indeed, the Court should “read the pleadings of a *pro se* plaintiff liberally and interpret them ‘to raise the strongest arguments that they suggest.’” *McPherson v. Coombe*, 174 F.3d 276, 280 (2d Cir.1999) (quoting *Burgos v. Hopkins*, 14 F.3d 787, 790 (2d Cir.1994)). Nevertheless, the Court is also aware that *pro se* status “does not exempt a party from compliance with relevant rules of procedural and substantive law. . . .” *Traguth v. Zuck*, 710 F.2d 90, 95 (2d

Cir.1983).

Fed. R. Civ. P. 24(a) provides for intervention as a matter of right, stating:

On timely motion, the court must permit anyone to intervene who:

(1) is given an unconditional right to intervene by a federal statute;

or

(2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.

Further, Fed. R. Civ. P. 24(b)(1) provides for permissive intervention to

anyone who:

(A) is given a conditional right to intervene by a federal statute; or

(B) has a claim or defense that shares with the main action a common question of law or fact.

Finally, Fed. Rule. Civ. P. 24(c) requires the court, in exercising its discretion, to consider "whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights."

The present matter is closed and the Court's January 17, 2007 dismissal was affirmed by the United States Court of Appeals for the Second Circuit. Accordingly, the Court is without authority to grant Riches' motion.

In addition, even if the Court retained jurisdiction to grant the present motion, it would decline to do so. Riches points to no federal statute that would give him either an unconditional or a conditional right to intervene and his claims fail to raise issues of fact or law that are pertinent to the main action in this case.

Accordingly, Riches motion to intervene is denied.

Riches alternatively characterizes his motion as a motion for reconsideration en banc. As the present motion is Riches' first request for intervention, or any other form of relief, there is nothing for this Court to reconsider.

For the foregoing reasons, it is hereby

**ORDERED**, that Jonathan Lee Riches' motion to intervene, and motion for reconsideration en banc are denied in their entirety; and it is further

**ORDERED**, that the Clerk of the Court is directed to serve a copy of this order on Riches at the above address.

**SO ORDERED.**

Dated: Central Islip, New York  
September 30, 2009

/s/ Arthur D. Spatt  
Arthur D. Spatt  
United States District Judge