

CLOSED,HABEAS,IFP,MJSELECT

**U.S. District Court  
Eastern District of New York (Brooklyn)  
CIVIL DOCKET FOR CASE #: 1:02-cv-03953-ERK**

Scarpa v. USA

Assigned to: Judge Edward R. Korman

related Cases: 1:94-cr-01119-ERK-1

1:95-cr-01155-RR-1

Cause: 28:2255 Motion to Vacate / Correct Illegal Sentenc

Date Filed: 07/11/2002

Date Terminated: 09/29/2015

Jury Demand: Both

Nature of Suit: 510 Prisoner: Vacate  
Sentence

Jurisdiction: U.S. Government Defendant

**Petitioner**

**Gregory Scarpa, Jr.**

represented by **Georgia J Hinde**

Law Office of Georgia J. Hinde

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**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

V.

**Respondent**

**USA**

represented by **Cecil Carusi Scott**

United States Attorneys Office

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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
09/28/2015		ORDER. The instant case was initiated by a petition to vacate the judgment of conviction pursuant to 28 U.S.C. § 2255. After the case was reassigned to me, I appointed Georgia Hinde to represent the petitioner. At a conference on August 5, 2010, the transcript of which was docketed on August 17, 2010, it became clear that the petitioner was not seeking to challenge the validity of his conviction. Instead, the relief he was seeking at bottom [is] about sentencing and place of incarceration. As petitioners counsel put it, Thats the issues we were really pressing. Since then, those are the issues the parties have focused on. Accordingly, because petitioner is essentially seeking a motion for reduction of sentence pursuant to F. R. Crim. P. 35, the Clerk is directed to close this case for administrative purposes and replicate the docket entries from October 11, 2006, to the present to 94-CR-1119. Ordered by Judge Edward R. Korman on 9/28/2015.(Tannen, Joshua) (Entered: 09/28/2015)
09/10/2015	<u>70</u>	Letter forwarding additional information by Gregory Scarpa, Jr (Hinde, Georgia) (Entered: 09/10/2015)
08/20/2015	<u>69</u>	Letter forwarding additional information by Gregory Scarpa, Jr (Hinde, Georgia) (Entered: 08/20/2015)
04/23/2015	<u>68</u>	ORDER: Ordered that the Warden of the Iowa State Penitentiary release any and all records reflecting medical treatment, medical diagnosis and medical prognosis related to the Bureau of Prisons Inmate Gregory Scarpa, Jr., inmate number 10099-050, to the United States Probation Office for the Eastern District of New York. Ordered by Judge Edward R. Korman on 4/22/2015. (Chee, Alvin) (Entered: 04/23/2015)
04/16/2015	<u>67</u>	Letter forwarding additional information by Gregory Scarpa, Jr (Attachments: # <u>1</u> Exhibit Certificate) (Hinde, Georgia) (Entered: 04/16/2015)
02/27/2015	<u>66</u>	Letter forwarding additional information by Gregory Scarpa, Jr (Hinde, Georgia) (Entered: 02/27/2015)
11/25/2014	<u>65</u>	Letter forwarding additional information by Gregory Scarpa, Jr (Hinde, Georgia) (Entered: 11/25/2014)
10/08/2014	<u>64</u>	Letter forwarding additional information by Gregory Scarpa, Jr (Hinde, Georgia) (Entered: 10/08/2014)
08/15/2014	<u>61</u>	Letter forwarding prison work evaluation by Gregory Scarpa, Jr (Hinde, Georgia) (Entered: 08/15/2014)
08/08/2014		ORDER The United States Attorney is directed to provide me with the search warrant application for the Nichols premises within 7 days of the date of this order. Ordered by Judge Edward R. Korman on 8/8/2014. (Susi, PaulaMarie) (Entered: 08/08/2014)
06/2014	<u>60</u>	TRANSCRIPT of Proceedings held on 11/20/12, before Judge Korman. Court



		Reporter/Transcriber TRANSCRIPTION PLUS II. Email address: laferrara44@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/27/2014. Redacted Transcript Deadline set for 9/8/2014. Release of Transcript Restriction set for 11/4/2014. (Hong, Loan) (Entered: 08/06/2014)
08/06/2014	<u>59</u>	TRANSCRIPT of Proceedings held on 2/22/12, before Judge Korman. Court Reporter/Transcriber TRANSCRIPTION PLUS II. Email address: laferrara44@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/27/2014. Redacted Transcript Deadline set for 9/8/2014. Release of Transcript Restriction set for 11/4/2014. (Hong, Loan) (Entered: 08/06/2014)
11/20/2012	<u>56</u>	Minute Entry for proceedings held before Judge Edward R. Korman: Status Conference held on 11/20/2012. Georgia Hinde for plaintiff; Patricia Notopoulos and Taryn Merkl for defendant. Argument heard. Plaintiff to file further papers. (Court Reporter : ESR.) (Chee, Alvin) (Entered: 11/26/2012)
11/20/2012	<u>55</u>	Letter dated 11/15/12 from Peter Anthony Lance to Hon. Edward R. Korman, in support of Mr. Scarpa's § 2255 petition. (Chee, Alvin) (Entered: 11/26/2012)
11/14/2012		Status Conference set for 11/20/2012 02:30 PM in Courtroom 8A South before Judge Edward R. Korman.. Ordered by Judge Edward R. Korman on 11/14/2012. (Susi, PaulaMarie) (Entered: 11/14/2012)
08/08/2012	<u>53</u>	Letter <i>requesting adjournment</i> by USA (Notopoulos, Patricia) (Entered: 08/08/2012)
02/22/2012	<u>51</u>	Minute Entry for proceedings held before Senior Judge Edward R. Korman: Oral Argument held on 2/22/2012. (Court Reporter Hong.) (Greene, Donna) (Entered: 02/23/2012)
01/13/2012	<u>49</u>	Minute Entry for proceedings held before Senior Judge Edward R. Korman: Telephone Conference held on 1/13/2012 (Greene, Donna) (Entered: 01/18/2012)
10/20/2011	<u>47</u>	Minute Entry for proceedings held before Senior Judge Edward R. Korman: Telephone Conference held on 10/20/2011. (Greene, Donna) (Entered: 10/21/2011)
04/22/2011		STATUS REPORT ORDER Status Report due by 4/29/2011.. Ordered by Senior Judge Edward R. Korman on 4/22/2011. (Susi, PaulaMarie) (Entered: 04/22/2011)
10/08/2010	<u>44</u>	ORDER that the affidavits, dated 4/26/99 and 12/2/02 be unsealed solely for the purpose of copying by the AUSA. This is a copy of doc.# 940 in 94CR1119. Ordered by Senior Judge Edward R. Korman on 10/6/2010. (Greene, Donna) (Entered: 10/08/2010)
09/13/2010		Minute Entry for proceedings held before Senior Judge Edward R. Korman: Status Conference held on 9/13/2010. AUSA Trish Notopoulos, Georgia Hinde via telephone. Discussion on sealed materials. The US Attorney is directed to provide the Court with specific reasons for keeping relevant letters under seal. (Court Reporter n/a.) (Susi,



		PaulaMarie) (Entered: 09/13/2010)
08/05/2010	<u>42</u>	Minute Entry for proceedings held before Senior Judge Edward R. Korman:Telephone Conference held on 8/5/2010 (Greene, Donna) (Entered: 08/10/2010)
04/28/2010	<u>40</u>	MEMORANDUM in Opposition to <i>defendant supplemental 2255 motion</i> filed by USA. (Notopoulos, Patricia) (Entered: 04/28/2010)
03/26/2010		ORDER re <u>39</u> Letter filed by USA *** The application is granted, response due 4/26/2010. Movant to notify petitioner. Ordered by Senior Judge Edward R. Korman on 3/26/2010. (Susi, PaulaMarie) (Entered: 03/26/2010)
03/25/2010	<u>39</u>	Letter <i>regarding adjournment</i> by USA (Notopoulos, Patricia) (Entered: 03/25/2010)
01/21/2010		ORDER re <u>38</u> Letter filed by USA ** The application is granted, response is now due 3/15/2010. Ordered by Senior Judge Edward R. Korman on 1/21/2010. (Susi, PaulaMarie) (Entered: 01/21/2010)
01/20/2010	<u>38</u>	Letter <i>requesting adjournment of motion response</i> by USA (Notopoulos, Patricia) (Entered: 01/20/2010)
12/21/2009		ORDER granting <u>37</u> Motion to Continue - response due 1/15/2010. Ordered by Senior Judge Edward R. Korman on 12/21/2009. (Susi, PaulaMarie) (Entered: 12/21/2009)
12/16/2009	<u>37</u>	Fourth MOTION to Continue <i>time in which to respond</i> by USA. (Notopoulos, Patricia) (Entered: 12/16/2009)
11/17/2009		ORDER granting <u>36</u> Motion for Extension of Time to File ** Supplemental submission due 12/15/2009. Ordered by Senior Judge Edward R. Korman on 11/17/2009. (Susi, PaulaMarie) (Entered: 11/17/2009)
11/16/2009	<u>36</u>	Third MOTION for Extension of Time to File <i>answer</i> by USA. (Notopoulos, Patricia) (Entered: 11/16/2009)
10/08/2009		ORDER granting <u>35</u> Motion to Continue (response due 11/15/2009). Ordered by Senior Judge Edward R. Korman on 10/8/2009. (Susi, PaulaMarie) (Entered: 10/08/2009)
10/07/2009	<u>35</u>	Second MOTION to Continue <i>time to file response</i> by USA. (Notopoulos, Patricia) (Entered: 10/07/2009)
08/03/2009		ORDER re <u>34</u> Letter filed by USA ** The application is granted. Ordered by Senior Judge Edward R. Korman on 8/3/2009. (Susi, PaulaMarie) (Entered: 08/03/2009)
07/31/2009	<u>34</u>	Letter <i>requesting adjournment</i> by USA (Notopoulos, Patricia) (Entered: 07/31/2009)
03/18/2009	<u>32</u>	ORDER granting <u>31</u> Motion for Extension of Time to File. Ordered by Senior Judge Edward R. Korman. (Greene, Donna) (Entered: 03/18/2009)
02/27/2009	<u>31</u>	Letter <i>requesting extension of time</i> by Gregory Scarpa, Jr (Hinde, Georgia). (Entered: 02/27/2009)
01/29/2009		ORDER re <u>30</u> Letter filed by Gregory Scarpa, Jr. ** The application is granted. Ordered by Senior Judge Edward R. Korman on 1/29/2009. (Susi, PaulaMarie) (Entered: 01/29/2009)



01/27/2009	<u>30</u>	Letter <i>requesting extension of time</i> by Gregory Scarpa, Jr (Hinde, Georgia) (Entered: 01/27/2009)
26/2008	<u>29</u>	ORDER that the application to submit Mr. Scarpas submission on or before 1/30/09 is granted. Ordered by Senior Judge Edward R. Korman on 11/25/08. (Greene, Donna) (Entered: 11/26/2008)
05/14/2007	<u>28</u>	Letter dated 5/2/07 from Georgia J. Hinde to Judge Korman, enclosing a proposed order allowing ESR's production of the transcript. (Greene, Donna) (Entered: 05/14/2007)
05/14/2007	<u>27</u>	ORDER that the ESR Office of the USDC for the EDNY shall unseal the tape of the sentencing proceedings on 5/7/07 in the captioned matter and prepare a transcript. A copy of the transcript shall be initially provided to AUSA Patricia Notopoulos who will review and provide appropriate parts to counsel for petitioner. The tape and transcript shall otherwise remain under seal. Ordered by Judge Edward R. Korman on 5/7/07. (Greene, Donna) (Entered: 05/14/2007)
11/21/2006	<u>26</u>	ORDER: Georgia Hinde, 1133 Broadway, Suite 304, New York, NY 10010, is appointed as counsel for petitioner. C/M by chambers. Ordered by Judge Edward R. Korman on 11/16/06. (Chee, Alvin) (Entered: 11/21/2006)
10/11/2006		Judge Edward R. Korman added. Judge Reena Raggi no longer assigned to case. (Marziliano, August) (Entered: 10/11/2006)
06/12/2006	<u>25</u>	Letter dated 6/4/06 from Gregory Scarpa, Jr. to USDJ Raggi, in response to the govt's answer to def't's supplemental memorandum, filed on 3/20/06. (Galeano, Sonia) (Entered: 06/21/2006)
05/02/2006	<u>24</u>	Letter dated 4/21/06 from Patricia Notopolous to Judge Raggi, confirming the request for an adjournment of the govt's response to the supplemental memorandum filed 3/20/06 by Gregory Scarpa, Jr. from 4/17/06 to 4/21/06. (Piper, Francine) (Entered: 05/02/2006)
05/02/2006	<u>23</u>	Letter dated 4/21/06 from Patricia Notopolous to Judge Raggi, requesting that dft's motion be denied in all respects. (Piper, Francine) (Entered: 05/02/2006)
03/20/2006	<u>22</u>	SUPPLEMENTAL to the <u>1</u> Petition for Writ of Habeas Corpus pursuant to 28 USC sec. 2255, filed by Gregory Scarpa, Jr. (Fwd. to USDJ Raggi) (Galeano, Sonia) (Entered: 03/24/2006)
03/20/2006	21	EXHIBITS A-K Letter of Threat to the Scarpa Family November 2005. (Piper, Francine) (Entered: 03/24/2006)
03/20/2006	20	EXHIBITS A-M 1996-1997 Scarpa Intelligence on the U.S. Terrorist Threat: Evaluative Report 2005-2006. (Piper, Francine) (Entered: 03/24/2006)
03/20/2006	<u>19</u>	EXHIBITS A-W Oklahoma City Bombing 2005 Report. (Piper, Francine) (Additional attachment(s) added on 12/17/2012: # <u>1</u> Exhibits O-W) (Lee, Tiffeny). (Entered: 03/24/2006)
03/20/2006	<u>18</u>	Letter dated 1/27/06 from Gregory Scarpa, Jr. to Clerk, enclosing supplemental



		documents to the 2255 motion. (Piper, Francine) (Entered: 03/24/2006)
08/16/2004	<u>17</u>	ADDENDUM to the Original Section 2255, filed on 6/26/02 (Hearing Requested) filed by Gregory Scarpa Jr. (fwd. to USDJ Raggi) (Galeano, Sonia) (Entered: 08/19/2004)
05/01/2003	16	ORDER endorsed on a copy of letter from Gregory Scarpa Jr. to Judge Raggi dated 12/1/02. The court takes the matter under submission & declines to appoint counsel. Any further reply to be filed by 5/30/03. . Signed by Judge Reena Raggi on 4/29/03. (Greene, Donna) (Entered: 05/01/2003)
02/19/2003	15	Letter dated 2/7/03 from Cecil Scott to Judge Raggi, enclosing a copy of petitioner's reply to the govt's memorandum in opposition to the 2255 petition. Also advising that if the court wishes to see the 6/25/99 affidavit of AUSA Fitzgerald, a copy will be provided for in camera viewing.(Piper, Francine) (Entered: 02/19/2003)
02/10/2003	14	Letter from Gregory Scarpa Jr. to Judge Raggi, response to the govt's response of 9/30/02 to the 2255 motion. (Piper, Francine) (Entered: 02/19/2003)
02/07/2003	13	Letter dated 1/31/2003 from Gregory Scarpa, Jr. to Clerk of Court, advising that his response to the govt's response to the 2255 was returned on 1/31/03 due to the fault of the institutions mailroom and was remailed.(Piper, Francine) (Entered: 02/10/2003)
12/06/2002	12	(SEALED DOCUMENT) Letter dated 12/2/02 placed in vault as per order of Judge Raggi.(Piper, Francine) (Entered: 12/06/2002)
10/28/2002	11	Letter filed by Gregory Scarpa Jr. to Judge Raggi dtd 10/23/02 requesting an extention of time to file plaintiff's reply to the government's motion until 12/30/02. (Sica, Michele) (Entered: 10/30/2002)
10/18/2002	10	Sealed Document (Letter responding to 2255 petition) placed in vault. (Piper, Francine) (Entered: 10/18/2002)
10/01/2002	8	Scheduling Order, By letter dated 9/23/02, the U.S. requests a one week extension of time, to 9/30/02 to file its opposition to petitioner's 2255 petition. The court grants the respondent's request and accordingly extends the date for the petitioner's reply to 10/30/02. (Signed by Judge Reena Raggi on 9/25/02) c/m(Piper, Francine) (Entered: 10/01/2002)
09/30/2002	9	Notice / <i>Memorandum In Opposition To Section 2255 Petition</i> filed by Cecil Carusi Scott on behalf of USA. (Sica, Michele) (Entered: 10/11/2002)
09/30/2002	7	Letter filed by Cecil Carusi Scott AUSA dated 09/23/02 to Judge Raggi Respectfully requesting an additional week to respond to the instant 2255 petition which was due to the court 09/23/02. The requested extention would yield a deadline of 09/30/02. (Sica, Michele) (Entered: 09/30/2002)
08/30/2002	5	Letter dated 8/20/02 from Cecil Scott to Judge Raggi, the govt request an enlargement of time of 30 days until 9/23/02 to respond to the petition. (Piper, Francine) (Entered: 08/30/2002)
8/28/2002	6	Letter dated 8/20/02 from Gregory Scarpa, Jr. to Court, petitioner does not wish to withdraw the claim of ineffective assistance of counsel. (Piper, Francine) (Entered: 08/28/2002)



		09/13/2002)
08/27/2002	4	Scheduling order: By letter dated August 20, 2002, the United States requests an extension of time to file its opposition to petitioner's 2255 petition, from the original date of August 23, 2002 to September 23, 2002. The court hereby grants the respondent's request and accordingly extends the date for the petitioner's reply, originally due September 23, 2002, to October 23, 2002. C/m by chambers. (signed by USDJ Reena Raggi, on 08/22/2002) (Delions, Aaron) (Entered: 08/27/2002)
07/23/2002	3	Order, petitioner is granted leave to proceed in forma pauperis. The US is to respond to the petition on or before 08.23.02, providing copies of relevant transcripts of proceedings, as well as petitioner's and the US Atty's briefs on appeal. If petitioner wishes to w/draw the effectiveness of counsel claim rather than waive his atty-client privilege, he should so advise the court in writing on or before 08.23.02. Petitioner is granted until 09.23.02, to file a reply, if any. (signed by Judge Raggi, dtd 07.23.02) c/m Inter-Off Svc upon the Sam Noel, Paralegal at the US Atty's Office. (Galeano, Sonia) (Entered: 07/25/2002)
07/15/2002	2	Exhibit "N" filed by pro se Gregory Scarpa Jr. (w/three (3) copies of this exhibit attached) (Galeano, Sonia) Fwd. to Judge Raggi. (Entered: 07/15/2002)
07/11/2002		Magistrate Judge Go has been selected by random selection to handle any matters that may be referred in this case. (Villanueva, William) (Entered: 07/11/2002)
07/11/2002	<u>1</u>	PETITION for Writ of Habeas Corpus. Filed by pro se Gregory Scarpa Jr.. (Attachments: # <u>1</u> Civil Cover Sheet)(Villanueva, William) Modified on 7/11/2002 (Villanueva, William). Filed 6/26/02 (Entered: 07/11/2002)

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