

RECEIVED
MAR 25 2015
SUP COURT APP. DIV.
FIRST DEPT.

Benjamin Cunningham
(Pro-se) Appellant
(347) 879-1717
2429 Southern Blvd #1
Bronx, New York 10458
March 25, 2015
Disciplinary Committee
Docket #2012/2312
“ Petition For Review “

Ms Margaret Sowah
Deputy Clerk
Appellate Division supreme Court
First Judicial Department
27 Madison Avenue
Manhattan, New York 10010

Dear Ms Margaret Sowah :

First Judicial Department Disciplinary Committee's staff has **REFUSED** to provide a copy of Attorney Daniel A. Eigerman's **OPPOSITION** Complaint to me.

Therefore, I was **NOT** even allowed to file a **REPLY** argument against Attorney Daniel A. Eigerman-Esq's **OPPOSITION** Complaint.

First Judicial Department Disciplinary Committee's staff told me they are **NOT** allowed to provide copy of the Attorney Daniel A. Eigerman-Esq's **OPPOSITION** Complaint to me due to internal rules/regs.

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First Judicial Department Disciplinary Committee's Decision/Order dated February 10, 2015 has **DISMISSED** my Disciplinary Complaint against Attorney Daniel A. Eigerman-Esq by claiming that 2nd Circuit Court OF Appeals' assigned panel judges' Decisions/Orders dated January 13, 2011 and Feb 2, 2011 **DECLINED** to decide my valid Qualified Immunity Summary Judgment legal claims.

I just discovered that Attorney Daniel A. Eigerman-Esq's letter dated May 21, 2014 lied by claiming that he filed an appeal brief on my behalf to the 2nd Circuit Court OF Appeals.

Attorney Daniel A. Eigerman-Esq billed me for legal services linked to an appeal brief that he **NEVER** filed on my behalf to 2nd Circuit Court OF Appeals.

Attorney Daniel A. Eigerman-Esq **FRAUDULENTLY** billed me for other legal services which he **NEVER** did for me.

Attorney Daniel A. Eigerman-Esq has **REFUSED** to alert me about the 2nd Circuit Court OF Appeals' assigned panel judges **BLOCKED** the Government's Appellate Attorney from filing an appeal brief.

Attorney Daniel A. Eigerman-Esq has **REFUSED** to alert me about the 2nd Circuit Court OF Appeals' assigned panel judges **BLOCKED** my Appellate Attorney Daniel A. Eigerman-Esq from filing an appeal brief.

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**Defendant Appellate Judge
Decisions/Orders Dated
Jan 13, 2012 & Feb 2, 2012
Fraudulently DISMISSED
(Pro-Se) Plaintiff's Civil Rights
Appeal As FRIVOLOUS Status
Under Docket #11-3597;**

“ Appellant, pro-se at the time of filing his motion, moves for leave to proceed in forma pauperis. Upon due consideration, it is hereby ORDERED that the motion is DENIED as moot as he has now paid the filing fee. It is further ORDERED that Appellant's claims are DISMISSED as frivolous. See *Pillay V. INS*, 45 F3d 14, 17 (2d Cir. 1995) This court has inherent authority to dismiss an appeal or petition for review as frivolous when the appeal or petition presents no arguably meritorious issue for our consideration. “

**MEMORANDUM OF LAW
Regarding Pilly V. INS,
*45 F 3d 14, 17 (2d Cir. 1995)***

“ Pillay, although unrepresented, has not proceeded in forma pauperis in pursuing his petition for review, having paid the normal filing fee required by our rules. See 2d Cir.R. Sec. 0.17(1). Accordingly, Sec. 1915(d) is not applicable to this appeal, and we may not rely upon it as a basis to dismiss Pillay's appeal. In addition, although Fed. R. App. P. 38 permits the award of damages. ”

November 7, 2011 Retained Attorney Agreement Contract was signed.

January 10, 2012 NOTICE OF APPEARANCE AS
SUBSTITUTE COUNSEL, on behalf
of Benjamin Cunningham, FILED.

January 11, 2012 ATTORNEY, Daniel A. Eigerman for
Benjamin Cunningham, in case
11-3597, ADDED.

January 11, 2012 PAYMENT OF DOCKETING FEE, on
behalf of Appellant Benjamin Cunningham
FILED.

January 13, 2012 MOTION ORDER, denying as moot
motion to proceed in forma pauperis
filed by Appellant Benjamin Cunningham,
by RKW, PWH, DC, FILED.

January 13, 2012 APPEAL, pursuant to court order, dated

January 13, 2012 NEW CASE MANAGER, Ana Greenidge, assigned.

January 27, 2012 MOTION, to reconsider, on behalf of Appellant
Benjamin Cunningham,
FILED. Service date 01/27/2012 by CM/ECF

February 2, 2012 MOTION ORDER, denying motion to reconsider
filed by Appellant Benjamin Cunningham, by
RKW, PWH, DC, FILED

CONCLUDED ARGUMENT :

In conclusion, according to 2nd Circuit Court OF Appeals' docket sheet shows my Appellate Attorney Daniel A. Eigerman-Esq has **NEVER** filed an appeal brief on my behalf.

However, Appellate Attorney Daniel A. Eigerman-Esq's letter dated May 21, 2014 claim he filed an appeal brief on my behalf to the 2nd Circuit Court OF Appeals' assigned panel judges.

My Appellate Attorney Daniel A. Eigerman-Esq has illegally charged me attorney fees for filing an appeal brief that was **NEVER** filed on my behalf to anybody.

WHEREFORE, (Pro-se) Appellant request this Court to issue **REVERSESAL** orders against Disciplinary Committee soon as possible because I was **NOT** allow to have copy of my Appellate Attorney Daniel A. Eigerman-Esq's **OPPOSITION** Complaint.

Disciplinary Committee's staff has willfully **REFUSED** to allow me to file any **REPLY** Complaint against my Appellate Attorney Daniel A. Eigerman-Esq's **OPPOSITION** Complaint.

Respectfully,



Benjamin Cunningham
(Pro-se) Appellant

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