

Page 1 of 3
DO
FILED
FILED: 1/20/10

CO

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

UNITED STATES OF AMERICA	:	<u>NOLLE PROSEQUI</u>
-v.-	:	09 Cr. 889 (SAS)
THOMAS LUCKEY,	:	
Defendant.	:	

----- x

1. The filing of this nolle prosequi will dispose of this case with respect to the defendant THOMAS LUCKEY.

2. On September 15, 2009, Indictment 09 Cr. 889 (SAS) (the "Indictment") was filed, charging THOMAS LUCKEY, the defendant, with, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, unlawfully, willfully, and knowingly possessing a firearm in and affecting commerce, in violation of Title 18, United States Code, Section 922(g)(1), and also with unlawfully, intentionally, and knowingly possessing with intent to distribute a controlled substance, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(B).

3. On December 10, 2009, the Court issued an Opinion and Order (the "December 10 Order") granting the motion to suppress physical evidence and statements filed by THOMAS LUCKEY, the defendant.

4. Based upon a review of the evidence in the case which is still available to the Government following the issuance

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

William K. Suter
Clerk of the Court
(202) 479-3011

October 1, 2012

Mr. Benjamin Cunningham
2429 Southern Boulevard
#1
Bronx, NY 10458-6508

Re: Benjamin Cunningham
v. Sean McCluskey, et al.
No. 11-1328

Dear Mr. Cunningham:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,



William K. Suter, Clerk