

★ MAY 16 2006 ★

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

**BROOKLYN OFFICE**

**Case: 04-cv-1129 (JG)**

-----X  
Margarita Lopez Torres, et.al.

Plaintiffs, NOTICE

v.

OF

New York State Board of Elections; et.al.

Defendants, APPEAL

New York County Democratic Committee, et.al.

Defendant-Intervenors,


Attorney General of the State of New York,

Statutory Intervenor.  
-----X

**PLEASE TAKE NOTICE** that proposed Plaintiff - Intervenor Christopher Earl Strunk appeals from the following order of District Judge John Gleeson identified by the docket item entry:

ORDER: The motion to intervene of Christopher Earl Strunk is denied. Mr. Strunk has not demonstrated that he is entitled to intervene as of right under Fed. R. Civ. P. 24(a), and he has not presented common questions of law or fact necessary for permissive intervention. Ordered by Judge John Gleeson on April 18, 2006. (Gleeson, John)

Dated: May 13, 2006  
Brooklyn New York

  
CHRISTOPHER EARL STRUNK  
593 Vanderbilt Avenue - 281  
Brooklyn, NY 11238  
Uncasvotes2@yahoo.com

Cc: anthony\_boccanfuso@aporter.com; jcreelan@jenner.com; jdiehl@akingump.com;  
jeremy.creelan@nyu.edu; jforstadt@stroock.com; joel.graber@oag.state.ny.us;  
kent\_yalowitz@aporter.com; mferrell@brooklynda.org; spesner@akingump.com;  
tvalentine@elections.state.ny.us

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

**Case: 04-cv-1129 (JG)**

Margarita Lopez Torres, et.al.

v.

New York State Board of Elections; et.al.

New York County Democratic Committee, et.al.

Defendant-Intervenors,

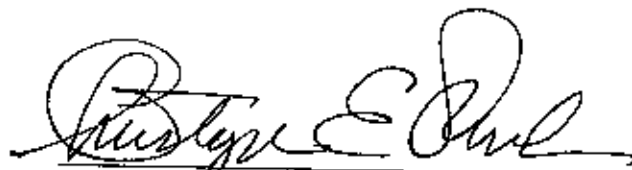
Attorney General of the State of New York,

Statutory Intervenor.

-----X  
Plaintiffs, **NOTICE**  
**OF**  
Defendants, **MOTION**

-----X  
**PLEASE TAKE NOTICE** that proposed Plaintiff - Intervenor Christopher Earl Strunk based upon the supporting declaration hereby applies for poor person relief from Notice of Appeal fee.

Dated: May <sup>13</sup> 2006  
Brooklyn New York



**CHRISTOPHER EARL STRUNK**  
593 Vanderbilt Avenue - 281  
Brooklyn, NY 11238  
Uncasvotes2@yahoo.com

Cc: anthony\_boccanfuso@aporter.com; jcreelan@jenner.com; jdiehl@akingump.com;  
jeremy.creelan@nyu.edu; jforstadt@stroock.com; joel.graber@oag.state.ny.us;  
kent\_yalowitz@aporter.com; mferrell@brooklynda.org; spesner@akingump.com;  
tvalentine@elections.state.ny.us

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

**Case: 04-cv-1129 (JG)**

-----X  
**Margarita Lopez Torres, Steven Banks, C. Alfred Santillo,  
John J. Macron, Lili Ann Motta, John W. Carroll, Philip C. Segal,  
Susan Loeb, David J. Lansner, and Common Cause / NY,**  
Plaintiffs,

v.

**New York State Board of Elections; Neil W. Kelleher,  
Carol Berman, Helena Moses Donohue, and Evelyn J. Aquila,  
in their official capacities as Commissioners of the  
New York State Board of Elections,**  
Defendants,

**New York County Democratic Committee, New York  
Republican State Committee, Association of Justices of the  
Supreme Court of the State of New York, Association of Justices  
of the Supreme Court of the City of New York, and  
Justice David Demarest, individually, and  
as President of the State Association,**  
Defendant-Intervenors,  
**Attorney General of the State of New York,**  
Statutory Intervenor.

-----X  
**CHRISTOPHER EARL STRUNK'S DECLARATION IN SUPPORT OF  
MOTION FOR POOR PERSON RELIEF**

**Accordingly, I, Christopher Earl Strunk,** hereby certifies and declares the following is true and correct under the penalty of perjury:

1. I Christopher Earl Strunk, am a pro se petitioner Intervenor without being an attorney in the above entitled case having been denied standing by the Honorable John Gleeson by Order dated April 18, 2006.
2. That I am unable to pay for any fee in this action at this time without first borrowing money at a great hardship.
3. That I have recently been granted poor person relief by the 2<sup>nd</sup> Circuit on 24 January 2006 by order granting entitled relief in OP 05-6536.
4. I hereby request to proceed without being required to prepay fees or costs or give security therefore.

# YAHOO! MAIL

Print - Close Window

**Date:** Sat, 13 May 2006 10:04:08 -0700 (PDT)  
**From:** "Christopher Earl Strunk" <nyspeoplenationwide@yahoo.com>  
**Subject:** ELECTRONIC SERVICE OF NOTICE OF APPEAL in EDNY 04-cv-1129

**To:** "anthony\_boccanfuso@aporter.com" <anthony\_boccanfuso@aporter.com>, "jcreelan@jenner.com" <jcreelan@jenner.com>, "jdiehl@akingump.com" <jdiehl@akingump.com>, "jeremy.creelan@nyu.edu" <jeremy.creelan@nyu.edu>, "jforstadt@stroock.com" <jforstadt@stroock.com>, "joel.graber@oag.state.ny.us" <joel.graber@oag.state.ny.us>, "kent\_yalowitz@aporter.com" <kent\_yalowitz@aporter.com>, "mferrell@brooklynda.org" <mferrell@brooklynda.org>, "spesner@akingump.com" <spesner@akingump.com>, "tvalentine@elections.state.ny.us" <tvalentine@elections.state.ny.us>

## TORRES v. NYS BOE et.al. EDNY 04-cv-1129

### Certification of Electronic Service of

- Christopher Earl Strunk's Notice of Appeal of 18 April 2006 Order;
- Christopher Earl Strunk's Notice of Motion for Poor Person Relief;
- Christopher Earl Strunk's Declaration in support of IFP.

for service by email electronic service upon:

1. anthony\_boccanfuso@aporter.com;
2. jcreelan@jenner.com;
3. jdiehl@akingump.com;
4. jeremy.creelan@nyu.edu;
5. jforstadt@stroock.com;
6. joel.graber@oag.state.ny.us;
7. kent\_yalowitz@aporter.com;
8. mferrell@brooklynda.org;
9. spesner@akingump.com;
10. tvalentine@elections.state.ny.us

Electronic Service Certified:

Dated: May 13, 2006  
Brooklyn, New York




CHRISTOPHER EARL STRUNK

Love cheap thrills? Enjoy PC-to-Phone calls to 30+ countries for just 2¢/min with Yahoo! Messenger with Voice.

#### Attachments

Files:

 EDNY\_04\_cv\_1129\_Notice\_of\_Appeal\_and\_poor\_person\_notice\_5\_13\_06.pdf (180k)

**YAHOO! MAIL**

Print - Close Window

**From:** "Bill VanAllen" <hvanallen@hvc.rr.com>  
**To:** "John J. Bonacic (E-mail)" <bonacic@senate.state.ny.us>, "Kevin Cahill (E-mail)" <cahillk@assembly.state.ny.us>  
**Subject:** Court Asks if Residency Follows Inmates Up the River By SAM ROBERTS NYTimes.com May 13, 2006  
**Date:** Sat, 13 May 2006 17:08:47 -0400

May 13, 2006

## Court Asks if Residency Follows Inmates Up the River

By SAM ROBERTS

For years, New York Republicans have propped up their slim majority in the State Senate partly by seizing on a quirk in the federal census: counting prisoners as residents of the rural districts where they are incarcerated, rather than of the urban neighborhoods where they last lived.

That way, predominantly Republican rural districts wind up with more seats in the state Legislature, since seats are apportioned on the basis of population.

But last week, a federal appeals court in New York hinted that counting prisoners as upstaters might illegally dilute the voting rights of downstaters.

If that legal argument is pursued and upheld, the political implications could be profound. Republicans now have a four-seat margin in the Senate. A shift in only a few seats could give the Democrats, who already control the Assembly, a majority in the Senate, and with it, enormous power over legislative and Congressional redistricting.

Except for a brief hiatus in 1965, Republicans have dominated the Senate since 1939.

States typically use the census to reapportion legislative and Congressional districts. But the impact of this practice is magnified in New York, where most of the inmates come from downstate and are shipped to prisons upstate.

Voting rights advocates estimate that without the inmates, as many as seven upstate Senate districts might have to be redrawn, with downstate picking up some seats.

The issue came up in passing in a lawsuit seeking to give prisoners the right to vote. While the United States Court of Appeals for the Second Circuit rejected that request, it did express interest in the argument that counting inmates upstate dilutes the voting power of minority groups in urban districts, and kicked that matter back to the District Court for consideration.

Eric Hecker, a lawyer who pursued an earlier voting rights case involving inmates, said, "I don't think there's any question but that if the prisoners were counted where they lived the legislative districts would be unconstitutional."

Eric T. Schneiderman, a Manhattan Democrat who is the deputy Senate minority leader, agreed. "The court has clearly remanded to the district judge to consider the voting rights argument - that people who live in districts that are net exporters of prisoners to districts upstate may have a voting rights claim," he said. "I think it has to be pursued."