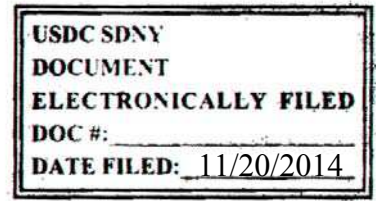


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
:
JOSE A. MINAYA,, :
:
Plaintiff, :
:
-against- :
:
UNITED STATES OF AMERICA, et al., :
Defendants. :
:
----- X

12 Civ. 7979 (LGS)

OPINION AND ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, a conference was held on November 20, 2014, it is hereby,

ORDERED that for the reasons stated on the record, Defendants’ Motion to Dismiss and for Partial Summary Judgment (Dkt. No. 69) is GRANTED in part and DENIED in part. Defendants’ motion to dismiss all claims against Agents Jeffrey Severino and Miguel Collazo in their official capacities is **GRANTED**. Any § 1983 claims are **DISMISSED**. Defendants’ motion for summary judgment on Plaintiff’s *Bivens* claim against Defendant Severino in his individual capacity is **DENIED**. Accordingly, the remaining claims that will go to trial are: (1) any FTCA claim against the United States; (2) the *Bivens* claim against Defendant Severino; and (3) the *Bivens* claim against Defendant Collazo. It is further

ORDERED that the parties shall submit motions in limine, if any, by **December 12, 2014**. Any responses to motions in limine shall be submitted by **December 22, 2014**. Any motions in limine shall comply with the Court’s Individual Rules. It is further

ORDERED that Defendant shall submit proposed voir dire and a proposed verdict sheet by **December 22, 2014**. If Plaintiff wishes, Plaintiff may also submit proposed voir dire and a proposed verdict sheet by **December 22, 2014**. It is further

ORDERED that the parties shall submit a joint final pretrial order, in compliance with the Court's Individual Rules, by **December 29, 2014**. It is further

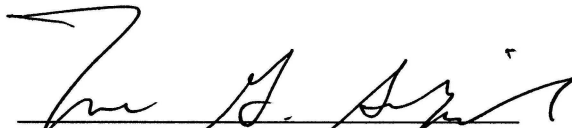
ORDERED that a final pretrial conference shall be held on **January 16, 2015, at 11:00 a.m.** The Allenwood Low Security Correctional Institution shall make Jose A. Minaya (Reg. # 91648-054) available for a telephone conference at that time. It is further

ORDERED that a jury trial in this matter shall begin on **February 2, 2015, at 9:45 a.m.**, and will continue from day to day until concluded. Plaintiff Jose A. Minaya (Reg. # 91648-054) shall be made available at the Thurgood E. Marshall Federal Courthouse, 40 Centre Street, New York, New York for the duration of the trial.

The Clerk of Court is respectfully directed to mail a copy of this order and a copy of the Court's Individual Rules (available at <http://www.nysd.uscourts.gov/judge/Schofield>) to the pro se Plaintiff. The Clerk is further directed to close the motion at Dkt. No. 69.

SO ORDERED.

Dated: November 20, 2014
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE