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★ JAN 17 2013

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(Signature)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

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ROGER STROUD,

MEMORANDUM & ORDER

Plaintiff,

-against-

10-CV-3776 (SLT)(RML)

CITY OF NEW YORK et al.,

Defendants.

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TOWNES, United States District Judge:

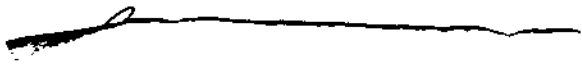
In this case, pro se plaintiff Roger Stroud asserts claims pursuant to 42 U.S.C. § 1983 against Police Officer Kristin Schafer. The action was stayed pending the conclusion of Stroud's underlying criminal trial. On August 29, 2012, Defendant filed a request to lift the stay and to file a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (Docket No 32). By letter dated September 8, 2012, Stroud opposed lifting the stay and requested additional time to respond to the pre-motion conference request. (Docket No. 33). On October 12, 2012, this Court issued a Memorandum and Order granting Defendant's request to lift the stay and directing Stroud to file his response, if any, to the request by November 7, 2012. (Docket No. 34 at 2). The Court advised Stroud to focus his attention on Defendant's proposed reasons for dismissal, specifically whether his federal claims for false arrest and malicious prosecution survive in light of his underlying criminal conviction. (Docket No. 34 at 2-3). After several extensions due to his prison relocations, Stroud's response was received on January 9, 2013. (Docket No. 40). In his letter, Stroud continues to dispute the underlying state criminal case and does not address Defendant's arguments.

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CONCLUSION

Accordingly, the Court GRANTS Defendant's request to file the motion to dismiss pursuant to Rule 12(b)(6). (Docket No. 32). Defendant shall serve the motion by February 15, 2013; Stroud shall serve his response by March 15, 2013; and Defendant shall serve the reply, if any, and file the fully-briefed motion by April 8, 2013.

SO ORDERED.


/SANDRA L. TOWNES
United States District Judge

Dated: *January 16, 2013*
Brooklyn, New York