

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

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OMAR HOLLOWAY

CIVIL ACTION NO. 05-0400

VERSUS

JUDGE DONALD E. WALTER

CITY OF ALBANY, ET AL

MAGISTRATE JUDGE HOMER

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**O R D E R**

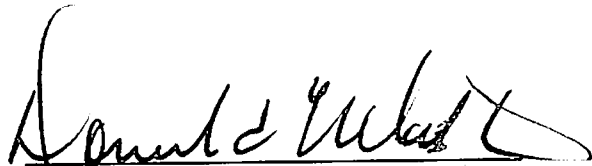
Before this Court is a Motion for Summary Judgment [Doc. #44] filed on behalf of defendants, City of Albany, City of Albany Police Department and Officer Peter Isaacson, pursuant to Federal Rule of Civil Procedure 56. Plaintiff opposes this motion. Also before this Court are plaintiff's Motion to Award/Render Judgment in Favor of Plaintiff due to Defendant's Self-Incrimination and Defendant's Obstruction of Evidentiary Preparation for Trial [Doc. #47], Motion to Award or Render Judgment in Favor of Plaintiff due to Defendants' Perjury [Doc. #48] and Motion to Award/Render Judgment in Favor of Plaintiff due to Defendants' Failure to Comply with Discovery Procedures [Doc. #49].

Finding that genuine issues of material fact remain as to plaintiff's claims against Officer Isaacson, **IT IS ORDERED** that defendants' Motion for Summary Judgment [Doc. #44] be and is hereby **DENIED IN PART**.

Finding that plaintiff has failed to show a policy or custom of the City of Albany or its Police Department as required by Monell v. Department of Social Services, 436 U.S. 658, 98 S.Ct. 2018, 56 L.Ed.2d 611 (1978), **IT IS FURTHER ORDERED** that defendants' Motion for Summary Judgment [Doc. #44] be and is hereby **GRANTED IN PART**, and plaintiff's claims against the City of Albany and its Police Department are **DISMISSED**.

**IT IS FURTHER ORDERED** that plaintiff's motions [Doc. #s 47, 48 & 49] based on defendants' alleged failure to produce photographs and surveillance recordings from March 31, 2002 and April 1, 2002, be and are hereby **DENIED** as defendants, in their responses to plaintiff's discovery requests, have sworn under penalty of perjury that they are neither aware of nor in possession of any such photographs or recordings.

**THUS DONE AND SIGNED**, in Shreveport, Louisiana, this 13 day of March, 2007.

  
DONALD E. WALTER  
UNITED STATES DISTRICT JUDGE