

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

SHIKEMA WILLIAMS, as Administratrix of
the Estate of Frederick Velez, et al.

Plaintiffs,

v.

6:17-cv-750
(TJM/ATB)

SUSAN CONNELL, et al.,

Defendants.

Thomas J. McAvoy, SR. U.S.D.J.

ORDER

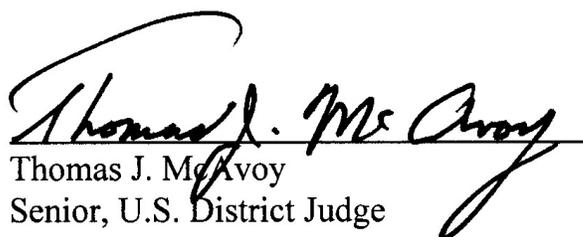
Defendants filed a motion to dismiss this action, which alleges that Defendants violated the rights of Plaintiff and Plaintiff's decedent when they failed to prevent a fatal assault from another prison inmate at the Oneida County (New York) Correctional Facility. See dk. # 47. After Defendants filed their motion, Plaintiffs sought leave of court to file a Second Amended Complaint. See dk. # 49. The Court granted this motion, providing Plaintiffs until October 18, 2017 to file that Second Amended Complaint. See dk. # 50.

As filing the Second Amended Complaint would cause the Defendants' motion to become moot, the Court will DENY the Defendants' motion to dismiss, dk. # 47, with leave to renew should Plaintiffs fail to file an amended complaint as contemplated in the Court's earlier order. Should Plaintiffs file a Second Amended Complaint, the Court's order here will have no effect on Defendants' ability to respond in any appropriate way to

that Second Amended Complaint.

IT IS SO ORDERED

Dated: October 2, 2017


Thomas J. McAvoy
Senior, U.S. District Judge