

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

SAMUEL LOUIS-CHARLES,

Plaintiff,

No. 9:16-CV-1417
(MAD/CFH)

v.

BAKER, et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

Samuel Louis-Charles
16-B-2202
Livingston Correctional Facility
P.O. Box 91
Sonyea, New York 14556
Plaintiff pro se

Menter, Rudin & Trivelpiece, P.C.
308 Maltbie Street
Suite 200
Syracuse, New York 13204-1498
Attorney for Defendants

TERESA M. BENNETT, ESQ.

**CHRISTIAN F. HUMMEL
U.S. MAGISTRATE JUDGE**

DECISION AND ORDER

On January 31, 2018, defendants Corrections Sergeant (“Sgt.”) Baker, Corrections Sgt. Newton, Corrections Officer (“C.O.”) Macilvennie, C.O. Frank Seymore, and C.O. Patterson filed a motion for summary judgment. Dkt. No. 50. On February 14, 2018, plaintiff pro se Samuel Louis-Charles filed a letter motion seeking an extension of time to

file a response to defendants' motion for summary judgment. Dkt. No. 54. On February 16, 2018, the Court issued a Text Order extending plaintiff's time to file a response. Dkt. No. 56.

On February 16, 2018, plaintiff filed a letter motion seeking an order striking the transcript of his deposition and staying the deadline for plaintiff to file a response to defendants' motion for summary judgment. Dkt. No. 57. Defendants filed a response in opposition to plaintiff's letter motion. Dkt. No. 60. Defendants annexed the transcript of plaintiff's deposition to their response. Dkt. No. 60-1. On March 3, 2018, the Court issued a notice scheduling a conference to address plaintiff's letter motion. Dkt. No. 62. On March 16, 2018, plaintiff filed a response to defendants' motion for summary judgment. Dkt. No. 67.

On March 21, 2018, the Court conducted a hearing on plaintiff's letter motion seeking to strike his deposition transcript and stay his response to the motion for summary judgment. The transcript of that proceeding is annexed to this Decision and Order. As directed during that hearing, and for the reasons stated at that time, which are incorporated herein by reference, plaintiff's motion seeking to strike the transcript of his deposition (Dkt. No. 57) is **DENIED**. Plaintiff's motion seeking a stay of the deadline for plaintiff to file a response to defendants' motion for summary judgment is **DENIED** as plaintiff filed such response on March 16, 2018. Dkt. No. 67.

WHEREFORE, for the reasons stated herein, it is hereby,

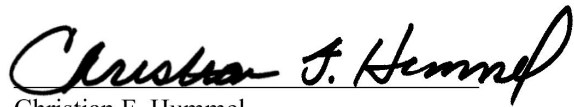
ORDERED, that plaintiff's letter motion seeking to strike the transcript of his deposition and to stay the deadline for plaintiff to file a response to defendants' motion for

summary judgment (Dkt. No. 57) is **DENIED**; and it is further

ORDERED, that the Clerk of the Court serve the Decision and Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: April 2, 2018
Albany, New York

A handwritten signature in black ink that reads "Christian F. Hummel". The signature is written in a cursive style with a large, prominent initial "C".

Christian F. Hummel
U.S. Magistrate Judge