UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

LOUIS MILBURN, et al.,

Plaintiffs,

No. 79 Civ. 5077

ORDER

-versus-

HENRY S. DOGIN, et al.,

Defendants.

LORETTA A. PRESKA, SENIOR UNITED STATES DISTRICT JUDGE:

The Court has reviewed the papers regarding Plaintiffs' request to file a motion seeking the appointment of an expert to assess the conditions at Green Haven Correctional Facility ("Green Haven") arising out of the COVID-19 virus. The request to file the motion is <u>DENIED</u> as futile.

There is no doubt, as all parties acknowledge, that the COVID-19 virus might create a dangerous situation inside of any correctional facility. Defendants have described generally the measures that have been implemented at Green Haven to mitigate the spread of the disease. Plaintiffs have not suggested any reason to think that DOCCS is deliberately indifferent to the inmates' medical needs at Green Haven or to think that Green Haven is different from any similar institution. Accordingly, on the facts in the parties' letters, any motion to appoint an expert would be futile, so the request to file such a motion is DENIED.

SO ORDERED.

Dated: April 2, 2020 New York, New York

Loutta a. Presky

LORETTA A. PRESKA Senior U.S. District Judge