

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>06/24/2019</u>
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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK  
 - - - - -X  
 MARCO ALMONTE,  
 :  
 :  
 : Plaintiff,  
 :  
 : - against -  
 :  
 : KENNETH HINES and LAURA CADAVID,  
 :  
 : Defendants.  
 - - - - -X

15 Civ. 6843 (JFK)

**ORDER**

**JOHN F. KEENAN, United States District Judge**

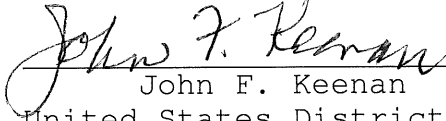
On June 23, 2019, the Court received multiple submissions by the parties. The Court rules on two of those submissions (ECF Nos. 144 & 146) as follows:

- (1) Plaintiff's motion for reconsideration of the Court's June 19, 2019 order (ECF No. 144) is denied. Evidence of weapons collected at the scene of Mr. Almonte's arrest is permitted. If Plaintiff denies possessing a firearm on December 5, 2013 (contrary to Plaintiff's previous assertion that he "has no intention of testifying that he did not possess a firearm" (ECF No. 120 at 23)), then Defendants are permitted to introduce evidence that Plaintiff was convicted for possession of a firearm, without any reference to Plaintiff being a "felon" in possession of a firearm. Additionally, evidence of the Defendants' disciplinary histories is precluded.
- (2) Defendants' request that the Court dismiss Plaintiff's claim against defendant Officer Laura Cadavid for failure to

intervene in the use of excessive force (ECF No. 146 at 2-3)  
is denied.

**SO ORDERED.**

Dated: New York, New York  
June 24, 2019

  
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John F. Keenan  
United States District Judge