

# raiser&kenniff

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# MEMO ENDORSED

April 17, 2017

VIA ECF

Honorable Valerie E. Caproni  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square, Room 240  
New York, NY 10007

Honorable Andrew J. Peck  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

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Re: *Troy Blanding v. M. Dominguez, et al.*  
Docket No.: 16-cv-02594 (VEC) (AJP)

Dear Judge Caproni and Judge Peck:

We represent the Plaintiff, Troy Blanding, in this 42 USC 1983 action.

By Order (Docket Text 64) Judge Peck denied my request to be relieved as counsel and ordered that we inform Mr. Blanding that his case would be dismissed due to his continued failure to cooperate and appear for his deposition, scheduled for February 28, and April 5, 2017.

My April 10, 2017 status report to Judge Peck (attached) summarized our efforts to insure Mr. Blanding's cooperation.

On April 12, 2017, Mr. Blanding called me. I again informed him that his failure to appear at the office of the Corporation Counsel on April 5, 2017, was a further violation of a Court Order and would lead to dismissal. I then read Judge Peck's Order in its entirety to him and emphasized he had 14 days to file objections and that he had the right to retain a different attorney. Mr. Blanding did not provide me with a current address or phone number and hung up.

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Hon. V. E. Caproni  
Hon. A. J. Peck  
Re: Blanding v. Dominguez, et al.  
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My telephone call with Mr. Blanding, as my only communication is when he calls, complied with Judge Peck's Order to advise Mr. Blanding.

I also request permission for leave to file a motion to withdraw as counsel.

Respectfully submitted,

  
E. Gordon Haesloop, Esq.

EGH/cm  
Enclosure

cc: Cherie N. Brown  
Assistant Corporation Counsel  
Special Federal Litigation Division  
New York City Law Department  
Via Email: [chebrown@law.nyc.gov](mailto:chebrown@law.nyc.gov)

WHEREAS this case was referred to Magistrate Judge Peck for general pretrial [Dkt. 6];

WHEREAS Plaintiff has failed to appear for his deposition and has missed multiple Court deadlines;

WHEREAS Magistrate Judge Peck recommended to the Undersigned that this case be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to obey Court orders [Dkt. 64];

WHEREAS Plaintiff did not object to Magistrate Judge's Report & Recommendation;

IT IS HEREBY ORDERED that this Court ADOPTS Magistrate Judge Peck's Report & Recommendation. There is no clear error in Magistrate Judge Peck's recommendation to dismiss this case. The Clerk of Court is respectfully directed to terminate any existing motions and close this case.

SO ORDERED.



HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE  
5/8/2017