UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

SAMUEL J. SMOLEN, JR,

16-CV-2417 (PMH)

Plaintiff,

[PROPOSED] ORDER AUTHORIZING THE DEPOSITION OF INCARCERATED PLAINTIFF Doc. 129

-Against-

C.O. M. WESLEY, et al,

Defendants.

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Pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), it is hereby ORDERED that an Assistant Attorney General may take the deposition of plaintiff Samuel Smolen, DIN 85-A-4082 by videoconference before a notary public, or some other officer authorized to administer oaths by the laws of the United States or of the State of New York, at any New York State Correctional Facility, upon notice to the plaintiff and the Superintendent of the correctional facility where he is then located.

Plaintiff is advised that if he fails to attend and complete his own deposition, the Court may impose sanctions pursuant to Fed. R. Civ. P. 37(d), which may include an order dismissing this action.

Dated: New York, NY _____January 25__, 2021

SO ORDERED

Hon. Philip M. Halpern United States District Judge