



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

Writer's Direct Dial: (212) 416-8606

**BY ECF**

Hon. Philip M. Halpern  
United States District Court Judge  
United States District Court  
Southern District of New York  
500 Pearl St.  
New York, NY 10007

Re: Smolen v. Nevins, 17 Civ 7494 (PMH)

Dear Judge Halpern:

This Office represents defendants in the above-referenced matter. We write to respectfully request an order staying the deadline to file a joint pre-trial order and compelling pro se plaintiff Samuel Smolen to provide his portion of the joint pre-trial order to defendants by March 1, 2021. We also ask that the Court instruct plaintiff that his failure to comply will result in a dismissal of his case.

Currently, the deadline to file a joint pre-trial order is February 1, 2021. (See Minute Entry for Dkt. No. 94). Defendants mailed their portion of the joint pre-trial order to Plaintiff on December 31, 2020 as instructed by the Court. (See Dkt. No. 95). Since then, plaintiff has failed to provide his portion of the joint pre-trial order and has not communicated with defendants in any manner, including seeking an extension of time. In an effort to discuss the terms of joint pre-trial order and to avoid judicial intervention, defendants arranged a conference call with plaintiff for January 26, 2021, but plaintiff refused to participate in the call.

We thank the Court for its attention to this matter.

Respectfully submitted,  
/s/ Amanda Yoon  
Amanda Yoon  
Assistant Attorney General  
Amanda.Yoon@ag.ny.gov

Jan

The Court will address the issues raised by Defendants and set a new deadline for submission of the joint pre-trial order during the conference scheduled for February 3, 2021 at 2:00 p.m. The Clerk is instructed to terminate ECF No. 96.

SO ORDERED.

Philip M. Halpern, U.S.D.J.

Dated: New York, NY  
January 29, 2021

Cc: Samuel Smolen, DIN 85-A-4082  
Sullivan Correctional Facility