

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
VALREY LATOUCHE,	:
	:
Plaintiff,	:
	:
-against-	:
	:
LIEUTENANT BRIAN J. BODGE,	:
OF SING SING CORRECTIONAL	:
FACILITY, ELAINE VELEZ, DEPUTY	:
SUPERINTENDENT OF PROGRAMS OF	:
SING SING CORRECTIONAL FACILITY,	:
	:
Defendants.	:
-----X	

23-Civ-02207(PMH)

**PROPOSED ORDER PURSUANT
TO FED. R. CIV. P. 41(a)(2)
DISMISSING THE COMPLAINT
WITHOUT PREJUDICE**

WHEREAS, on or about March 14, 2023, Plaintiff commenced this action by filing a Complaint pursuant to 42 U.S.C. § 1983, in the Southern District of New York, Case Number 23-CV-02207, against Defendants Brian Bodge and Elaine Velez;

WHEREAS, Plaintiff alleges that the Defendants violated his rights under the First, Fourth, Eighth, and Fourteenth Amendments to the United State Constitution;

WHEREAS, on or about November 30, 2023, Defendants filed a letter requesting a pre-motion conference to discuss their anticipated motion to dismiss;

WHEREAS, Defendants planned to move to dismiss the Complaint on several grounds, including, because Plaintiff had failed to exhaust his administrative remedies prior to filing this federal lawsuit;

WHEREAS, on or about February 5, 2024, the Court conducted a pre-motion conference during which time Plaintiff admitted to having filed the instant action prior to fully exhausting his administrative remedies;

WHEREAS, at the February 5, 2024 conference, Plaintiff agreed to the dismissal of the instant action without prejudice;

WHEREAS, at the conclusion of the February 5, 2024 conference, the Court directed the Defendants to file a proposed order of dismissal;

NOW, THEREFORE, Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, the herein action is dismissed without prejudice.

SO ORDERED:



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

Dated: White Plains, New York
February 6, 2024