

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LOUISE K. NOLLEY,

Plaintiff,

v.

MARGRET LAWSON,
SGT. FRANKLIN,
SANDRA BROWN,
DEPUTY D. MILLER,
DEPUTY STEVENS
LT. BOTELLO
SGT. DEE,

Defendants.

DECISION and ORDER
13-CV-989S

The parties have filed a Stipulation of Voluntary Dismissal (Docket No. 22) pursuant to Rule 41 (a)(1) of the Federal Rules of Civil Procedure, wherein they agree that “all of Plaintiff’s claims and causes of actions are hereby discontinued as against all Defendants, with prejudice, on the merits, without costs to any party as against the other.” Accordingly, Plaintiff’s claims against all Defendants are dismissed and the Clerk of Court will be directed to close this case.¹

¹The parties’ stipulation provides that the case is discontinued against all defendants. It does not appear as though Plaintiff ever served Defendants Margret Lawson and Sandra Brown. The record reflects, however, that on June 17, 2014, the court deferred directing service of the complaint on Lawson and Brown until Plaintiff clarified in writing whether they were the two female Buffalo police officers that Plaintiff alleges sexually assaulted her. (Decision and Order, Docket No. 3, p. 5-6.) The court further ordered that Plaintiff’s claims against Lawson and Brown be dismissed if Plaintiff failed to advise the court as directed. (*Id.* at 6.) The record reflects no such written clarification by Plaintiff, despite the court granting her an extension of time to file it. (Order, Docket No. 5.) Consequently, the complaint is dismissed as against Lawson and Brown based on both the Stipulation of Dismissal and the terms of the court’s June 17, 2014 Decision and Order.

IT HEREBY IS ORDERED, that Plaintiff's claims against each defendant are DISMISSED pursuant to the terms of the parties' Stipulation of Voluntary Dismissal (Docket No. 22) and, as to Defendants Lawson and Brown, pursuant to the terms of the court's June 17, 2014 Decision and Order.

FURTHER, that the Clerk of Court is directed to CLOSE this case.

SO ORDERED.

Dated: January 27, 2015
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court