

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CESAR FERNANDEZ-RODRIGUEZ,
REDHWAN ALZANAM, ROBERT BARNES,
MICHAEL FALU, GREGORY FERRER, CHRIS
KARIMBUX, WILLIAM PASCAL, and JORGE
SOTO, individually and on behalf of all others
similarly situated,

Petitioners,

-v.-

RAUL MALDONADO, in his official capacity as
Acting Warden of the Metropolitan Correctional
Center,

Respondent.

No. 20 Civ. 3315 (ER)

**STIPULATION [AND ORDER] OF VOLUNTARY DISMISSAL
PURSUANT TO RULE 41(a)**

WHEREAS, the above-captioned action was commenced with the filing of a Petition on April 28, 2020 (ECF No. 1), and a First Amended Petition was filed on January 13, 2021 (ECF No. 118); and

WHEREAS, the Parties have agreed that Petitioners will voluntarily dismiss their claims without prejudice, and Respondent will continue providing voluntary status report updates to the Court, consistent with former Warden Licon-Vitale's May 29, 2020 letter to the Court (ECF No. 60.1), until the end of the Bureau of Prisons' COVID-related modified operations at the Metropolitan Correctional Center ("MCC"), although these reports will be submitted monthly going forward;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. All claims asserted in this action are dismissed without prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, without fees (including attorney's fees) or costs to any party.

2. This action is hereby placed on the suspense docket until Respondent notifies this Court that the Bureau of Prisons has ended its COVID-related modified operations at MCC, to permit the continued filing of the above-referenced status reports. Once Respondent has notified the Court that modified operations have ended at MCC, the Clerk of the Court is respectfully requested to close this case.

Dated: New York, New York
July 16, 2021



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SO ORDERED:

Dated: July 19, 2021



The Honorable Edgardo Ramos
United States District Judge