

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

**JAMES LOMBARDI, and
JOSHUA DAVIS**

Plaintiffs,

v.

**DANIEL J. MCKEE, in his official
capacity as Governor of the State of
Rhode Island**

Defendant.

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C.A. No. 19-0364

ORDER

This matter came before the Court, in remote chambers conference, on March 8, 2022, with counsel for the parties participating. After hearing argument of counsel, it is hereby

ORDERED

1. The Rhode Island Supreme Court having issued its decision in the consolidated cases *Zab v. Rhode Island Department of Corrections*, No. 2019-459-Appeal, and *Rivera v. State of Rhode Island Department of Corrections*, No. 2019-462-Appeal, -- A.3d --, 2022 WL 611235 (R.I. Mar. 2, 2022), determining that R.I.G.L. §13-6-1 is unconstitutional under the Constitution of the State of Rhode Island, the stay of proceedings entered by the Court on November 9, 2021 to await such decision is hereby vacated.

2. Based upon the representations of the Defendant and of his counsel, the Office of Attorney General of the State of Rhode Island, that the State of Rhode Island will make no further challenge to the aforesaid determination of the Rhode Island Supreme Court and that to the knowledge of the Office of Attorney General, no party in the aforesaid state matters intends to or will file an application for further review of the determination of unconstitutionality, the Court concludes that all issues presented by this case have been resolved and the above-captioned action

shall therefore be dismissed with prejudice as moot, with each party bearing their own costs and attorneys' fees.

Enter: 
U.S. District Judge

By Order,

/s/Nissheneyra D. Urizandi
Deputy Clerk

AGREED AS TO FORM AND SUBSTANCE,

PLAINTIFFS,
James Lombardi and Joshua Davis

DEFENDANT,
DANIEL McKEE, in his official
capacity as Governor of the State of Rhode
Island

By:

By:

Their Attorneys

PETER F. NERONHA
ATTORNEY GENERAL

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