

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JONAS CABALLERO, on behalf of himself
and all others similarly situated,

NOTICE OF MOTION

Plaintiff,

9:20-cv-1470

-against-

(DNH/CFH)

NEW YORK STATE DEPARTMENT OF
CORRECTIONS AND COMMUNITY SUPERVISION
and ANTHONY J. ANNUCCI,

Defendants.

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, plaintiff's Complaint (Dkt. No. 1), and upon all prior pleadings and proceedings herein, Defendants New York State Department of Corrections and Community Supervision and Anthony Annucci, on a date and time to be determined by the Court, on submission of the papers, will make a motion at the United States District Court, Northern District of New York, Utica, New York, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12 (b)(6) for an order dismissing plaintiff's Complaint (Dkt. No. 1) in its entirety, together with such other or further relief as may be just.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7.1 of the Local Rules of Practice of the United States District Court for the Northern District of New York, any papers to be submitted in opposition to the within motion must be filed with the Court and served upon counsel for the defendants no later than twenty-one (21) days following service of the instant

motion.

Dated: Albany, New York
March 2, 2021

LETITIA JAMES
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Attorney for Defendants New York State
Department of Corrections and Community
Supervision and Anthony J. Annucci,
The Capitol, Albany, New York

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