

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____x
JOBIE O.,

Plaintiff,

03 Civ. 8331 (CM)

-against-

ELIOT SPITZER, in his official capacity
as Governor of the State of New York, et al.,

Defendants.
_____x

ORDER DISMISSING COMPLAINT

McMahon, J.:

On December 5, 2007, this court dismissed the individual claim of putative class plaintiff Jobie O. because Mr. O's claim was moot by the time he filed his motion for class certification in July 2007. I granted plaintiff's counsel until March 5, 2008 to locate and substitute an appropriate named plaintiff and to move for class certification anew. March 5 has come and gone, and no new plaintiff has been substituted for Mr. O. Indeed, the court has heard nothing from putative class counsel since the December 5, 2007 opinion issued. Accordingly, as promised in the December 5 opinion, this action is dismissed.

Dated: March 11, 2008



U.S.D.J.

BY FAX TO ALL COUNSEL

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