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ELECTRONICALLY FILED
DOC#:
DATE FILED: 12/28/2015

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MUHAMMAD TANVIR, JAMEEL
ALGIBHAH, AWAIS SAJJAD, and
NAVEED SHINWARI,

Plaintiffs,

v.

LORETTA E. LYNCH, Attorney General of
the United States, *et al.*,

Defendants.

No. 13-CV-6951 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On September 3, 2015, the Court issued an Opinion and Order dismissing Plaintiffs' individual capacity claims against Defendants FNU Tanzin, Sanya Garcia, Francisco Artusa, John LNU, Michael Rutkowski, William Gale, John C. Harley III, Steven LNU, Michael LNU, Gregg Grossoehmig, Weysan Dun, James C. Langenberg, and John Does 1–13. *See* Dkt. 104. The Opinion also directed the parties to advise the Court as to how they wish to proceed with respect to Plaintiffs' official capacity claims against Defendants. *See id.* at 36.

On October 5, 2015, the parties submitted a joint letter in which they agreed “that Plaintiffs' official capacity claims for relief against Defendants should be dismissed without prejudice and entry of final judgment is appropriate.” Dkt. 105. The letter indicated that the parties would submit a proposed order and judgment to the Court.

On December 18, 2015, the parties informed the Court that they could not agree to the language in a proposed order. *See* Dkt. 108. The parties submitted two proposed orders for the Court's review, one drafted by Plaintiffs and one drafted by Defendants. The only significant

difference between them is that Plaintiffs' proposed order recites what Plaintiffs describe as "basic procedural facts that led to the dismissal." *Id.* at 1. Plaintiffs seek to have "these facts be set forth in a judicially-issued document." *Id.* at 2. Plaintiffs also "advise the Court that, while they do not presently intend to seek attorneys' fees and costs, they do not wish to rule out the possibility of any such application entirely at this time." *Id.*

Defendants contend that Plaintiffs' proposed order "goes substantially beyond the terms agreed to by the parties" in their October 5 letter and that there is no need to include the additional information in that proposed order because "the chronology that Plaintiffs assert led to their withdrawing their claims will now be a matter of public record by virtue of [the December 18 letter]." *Id.* Defendants also argue that Plaintiffs "seek to transform an on-consent voluntary dismissal of their claims into a document intended to support a potential [attorneys'] fee application." *Id.* at 3. The parties do not appear to dispute that Defendants' proposed order "accurately reflects the terms that Plaintiffs outlined to the Court in their October 5, 2015 letter." *Id.*

The Court agrees with Defendants that Plaintiffs' proposed order is unnecessarily overinclusive. To the extent members of the public seek information regarding why Plaintiffs agreed to voluntarily dismiss their official capacity claims without prejudice, they may review the December 18 letter and other filings made in this lawsuit. The Court currently takes no position regarding the viability of Plaintiffs' possible motion for attorneys' fees and costs.

Because the parties agree that Plaintiffs' official capacity claims against Defendants may be dismissed without prejudice, the Court so dismisses them. The Clerk of Court is respectfully directed to enter final judgment in favor of Defendants. Plaintiffs may have until January 29, 2016 to move for attorneys' fees and costs. If no motion is filed by that date, this action will be terminated on the docket.

SO ORDERED.

Dated: December 28, 2015
New York, New York

A handwritten signature in black ink, appearing to read 'RA', is written above a horizontal line.

Ronnie Abrams
United States District Judge