



THE CITY OF NEW YORK  
LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007

KATHERINE E. SMITH  
Assistant Corporation Counsel  
Telephone: (212) 513-0462  
Facsimile: (212) 788-9776

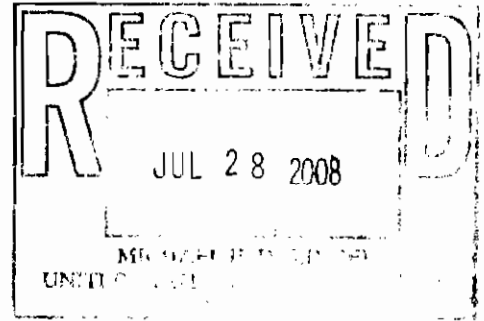
RECEIVED  
DATE FILED: 7/30/08

MICHAEL A. CARDOZO  
Corporation Counsel

July 28, 2008

**BY FACSIMILE**

Honorable Judge Michael Dolinger  
United States Magistrate Judge  
Southern District of New York  
500 Pearl St., Room 1670  
New York, New York 10007  
Fax: 212-805-7928



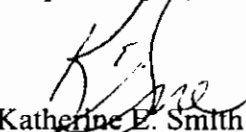
Re: Jeffrey Desir v. Department of Correction, et. al., 07-10553 (RMB) (MHD)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel for the City of New York, and the attorney assigned to the defense of the above-referenced civil rights action. I write in response to your Honor's Order dated July 16, 2008, wherein Your Honor directed defendants to serve and file their response to plaintiff's motion to amend the complaint by today, July 28, 2008. Defendants do not object to plaintiff's motion to amend the complaint.

I thank Your Honor for considering the within matter.

Respectfully submitted,

  
Katherine E. Smith (KS 8707)  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: Jeffrey Desir (#08A3055)  
Pro Se Plaintiff  
Adirondack Correctional Facility, P.O. Box 110  
Marcy, New York 13404  
(By First Class Mail)

EMPOWERS ORDER  
Plaintiff's motion to amend, filed May 15, 2008, is granted. Plaintiff's Second Amended Complaint is deemed filed. The Clerk is to issue the needed new summons and send them to plaintiff forthwith. Plaintiff is to arrange for serving the summons and complaints on the new defendants - within forty-five days.