

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
BRIAN KEITH DUDLEY,

Plaintiff,

-against-

SHERIFF MICHAEL J. SPOSATO, NASSAU COUNTY,
DETECTIVE TRACEY S. CABEY, NASSAU COUNTY
POLICE DEPARTMENT, NASSAU COUNTY DISTRICT
ATTORNEY'S OFFICE, D.A. MADELINE SINGAS,
A.D.A. MICHAEL BUSHWACK,

Defendants.
-----X

AZRACK, United States District Judge:

ORDER

16-CV-3639 (JMA)(AYS)

**FILED
CLERK**

11/13/2017 2:41 pm

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

On June 20, 2016, incarcerated *pro se* plaintiff Brian Keith Dudley (“plaintiff”) filed a complaint in this Court against Nassau County Sheriff Michael J. Sposato (“Sheriff Sposato”), Nassau County, Detective Tracey S. Cabey (“Det. Cabey”), the Nassau County Police Department (the “NCPD”), the Nassau County District Attorney’s Office (the “NCDA”), Nassau County District Attorney Madeline Singas (“D.A. Singas”) and Assistant District Attorney Michael Bushwack (“A.D.A. Bushwack” and collectively, “defendants”) pursuant to 42 U.S.C. § 1983 (“Section 1983”), alleging a deprivation of his constitutional rights. Accompanying the complaint is an application to proceed *in forma pauperis*.

In the complaint, plaintiff seeks to challenge his arrest for promoting prison contraband in the first degree in violation of New York Penal Law § 205.25(2), a class D felony. More specifically, plaintiff claims that he was framed by two other inmates who planted a shank in his cell and that plaintiff was improperly arrested, charged, and disciplined as a result. (Compl. ¶ IV.)

Plaintiff alleges that he was found guilty following a disciplinary hearing on December 2,

2015, but claims that the Sheriff did not produce “key witnesses” who had exculpatory evidence and, had they been called to testify, “plaintiff could have had all charges pending against him dismissed.” (*Id.* at 6.) Thus, plaintiff claims to have been falsely arrested and maliciously prosecuted. (*Id.* ¶ IV.A)

Plaintiff also complains that although the search of his cell occurred on November 21, 2015, Det. Cabey “falsified documents” by alleging that the incident occurred on February 2, 2016 in the felony complaint filed against him. (*Id.* at 7.)

Plaintiff is ORDERED to file a letter with the Court by **December 11, 2017** that explains the status of the criminal action stemming from this arrest and the felony complaint against him. **If plaintiff fails to file this letter by December 11, 2017, his action may be dismissed for failure to prosecute.**

SO ORDERED.

Dated: November 13, 2017
Central Islip, New York

_____/s/ (JMA)_____
Joan M. Azrack
United States District Judge