

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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1-95-CV-533-P1,

95 CV 0553

Plaintiff,

MEMORANDUM
AND
ORDER

-against-

1-95-CV-553-D1, 1-95-CV-533-D2,
1-95-CV-553-D3, and 1-95-CV-533-D4,

Defendants.

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1-95-CV-533-P1
11072-054
P.O. Box 5000
Greenville, IL 62246
plaintiff pro se

ZACHARY W. CARTER, United States Attorney
Eastern District of New York
(Tracey Salmon Smith, of counsel)
One Pierrepont Plaza
Brooklyn, NY 11201
for defendants

NICKERSON, District Judge:

By memorandum and order dated April 26, 1996 this court ordered specific performance by the Federal Bureau of Investigation ("FBI") of the terms of plaintiff's plea agreement, which provided that the FBI would investigate plaintiff's allegations of corruption at a state prison. Plaintiff is incarcerated and in the Federal Witness Security Program.

The government now requests that the FBI be relieved of its investigatory obligations imposed under the court's order because plaintiff has refused to cooperate.

Plaintiff says that he is unable to cooperate due to the recent decision United States v. Singleton, 144 F.3d 1343 (10th Cir. 1998). Plaintiff's argument is unavailing. In any event, at this point any criminal activities uncovered by such an investigation would probably be beyond the statute of limitations.

The FBI is hereby relieved of its obligation to investigate plaintiff's allegations of corruption.

So ordered.

Dated: Brooklyn, New York
September 9, 1998

Eugene H. Nickerson
Eugene H. Nickerson, U.S.D.J.