

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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IBRAHIM TURKMEN, et al

Plaintiffs,

Docket No. 02cv2307 (JG) (SMG)

-against-

JOHN ASHCROFT, et al,

Defendants.

**MEMORANDUM IN SUPPORT  
MOTION TO DISMISS OF  
DEFENDANT LoPRESTI**

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Defendant Salvatore LoPresti respectfully adopts the arguments advanced in the memoranda of law offered in support of codefendants’ motions. In the “hierarchy” of the Bureau of Prisons Captain LoPresti ranked below Associate Warden Sherman and above Lieutenant Cuciti. The points raised with respect to Warden Hasty’s and Associate Warden Sherman’s involvement as subordinates carrying out plausible directives of higher level officials apply equally to LoPresti in his position as Captain implementing policy formulated several levels above his pay grade. As with the other defendants, LoPresti is not alleged in the complaint to have had any direct interaction with the plaintiffs. The LoPresti’s participation in formulating procedures for the confinement of the detainees consistent with the policy directives from BOP were not clearly in violation of constitutional rights, nor may he be held liable for the alleged acts of his subordinates in which he took no personal part.

Respectfully, the claims against defendant LoPresti should be dismissed.

Dated: Mineola New York  
November 12, 2010

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