

MANDATE

S.D.N.Y.-N.Y.C.
11-cv-367
Preska, C.J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 3rd day of August, two thousand eleven,

Present:

Robert A. Katzmann,
Reena Raggi,
Gerard E. Lynch,
Circuit Judges.

Joe A. Gomes,

Plaintiff-Appellant,

v.

11-1685-cv

New York Public Library, *et al.*,

Defendants-Appellees.

Appellant, *pro se*, moves for leave to proceed *in forma pauperis*. Upon due consideration, it is hereby ORDERED that the motion is DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. *See* 28 U.S.C. § 1915(e); *Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (defining when an action lacks an arguable basis in law or fact).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

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United States Court of Appeals, Second Circuit

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MANDATE ISSUED ON 10/14/2011