

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

KASEEM ALI-X,

1:12-cv-3147 (NLH) (KMW)

Plaintiff,

MEMORANDUM OPINION & ORDER

v.

DAVID MCKISHEN, et al.,

Defendants.

APPEARANCES:

Kaseem Ali-X, 000422722B
New Jersey State Prison
PO Box 861
Trenton, NJ 08625
Plaintiff pro se

HILLMAN, District Judge

WHEREAS, on February 18, 2016, Plaintiff Kaseem Ali-X amended his complaint to replace the unknown defendants, "All the Employees of the Mail Room Staffs," with the names of the employees as party defendants, see ECF No. 57; and

WHEREAS, the second amended complaint listed two proposed defendants with similar names, "Vastano" and "L. Vastano," separately in the caption, see id. at 5; and

WHEREAS, the Clerk of the Court, relying on the caption of the second amended complaint, presumed these names to refer to two separate people and issued two sets of summonses to be served by the U.S. Marshals Service, see ECF No. 65; and

WHEREAS, subsequent developments indicated that "Vastano" and "L. Vastano" are the same person. First, although Plaintiff listed them separately in the caption and list of defendants, he did not distinguish between the two in the factual portion of his second amended complaint, see, e.g., ECF No. 57 ¶ 55 (making allegations against "Vastano," but not "L. Vastano"); and

WHEREAS, second, the Attorney General's Office entered an appearance and defended the action on behalf of "L. Vastano," but not "Vastano," see ECF No. 69; and

WHEREAS, it therefore appears to the Court that Plaintiff intended to prosecute his action against only one mailroom employee with the last name of "Vastano." Defendant "L. Vastano" was awarded summary judgment on December 10, 2019, see ECF No. 100; and

WHEREAS, on December 31, 2019, the Court issued an Order to Show Cause why it should not order the Clerk to terminate "Vastano" as a party defendant and directed Plaintiff to file any objections within twenty (20) days, see ECF No. 106; and

WHEREAS, Plaintiff has not filed anything with the Court indicating that "Vastano" and "L. Vastano" are two separate people against whom Plaintiff had potential claims;

THEREFORE, IT IS on this 28th day of January, 2020

ORDERED that the Clerk shall terminate "Vastano" as a party defendant; and it is finally

ORDERED that the Clerk shall serve a copy of this Order upon Plaintiff by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.