

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MATTEO NANIA,

Plaintiff,

- against -

UNITED STATES DEPARTMENT OF
EDUCATION, UNITED STATES
DEPARTMENT OF THE TREASURY,

Defendants.
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MEMORANDUM & ORDER

1:06-cv-1855-ENV-LB

FILED
IN CLERKS OFFICE
U.S. DISTRICT COURT ED. N.Y.
★ APR 28 2006 ★
P.M. _____
TIME A.M. _____

VITALIANO, D.J.

Plaintiff, appearing *pro se*, filed a Complaint and Order to Show Cause on April 21, 2006, seeking the release of a tax refund for his 2005 joint tax return. By order dated April 25, 2006, this Court denied plaintiff's request for immediate injunctive relief, dismissed his claims against the United States Department of the Treasury, and directed him to file an amended complaint within thirty (30) days. Nania v. United States Dep't of Educ., et al., No. 1:06-cv-1855-ENV-LB, slip op. at 6-7 (E.D.N.Y. Apr. 25, 2006). The Court directed plaintiff to detail his claim that the United States Department of Education violated the laws and regulations governing the Treasury Offset Program. Id., slip op. at 6. On April 26, 2006, plaintiff submitted an amended complaint and a "Request for Clarification," which contains additional allegations.¹ Upon reviewing plaintiff's recent submissions, this Court finds the instant action sufficient to go forward solely against the United States Department of Education.

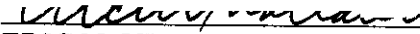
¹Plaintiff's "Request for Clarification" does not present questions necessitating a specific response from this Court.

Accordingly, the instant action shall proceed solely with regard to plaintiff's claim against the United States Department of Education. The United States Department of the Treasury shall be deleted from the caption. The Clerk of Court shall issue a summons solely naming the United States Department of Education as defendant.

The United States Marshals Service shall serve the summons, the original complaint, the Court's order of April 25, 2006, this Order, the amended complaint, and the "Request for Clarification" on the defendant, the United States Attorney for the Eastern District, and the Attorney General of the United States without payment of fees. All further pretrial proceedings in this matter are referred to Magistrate Judge Lois Bloom.

DATED: Brooklyn, New York
April 28, 2006

SO ORDERED

/s/

ERIC N. VITALIANO
U.S.D.J.