

D/F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NOT FOR PRINT OR
ELECTRONIC PUBLICATION

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ANTHONY PERRI,

Plaintiff,

MEMORANDUM AND ORDER

-against-

08 CV 0451 (ARR)

THE CITY OF NEW YORK;
The ILLEGAL UNITS of the N.Y.P.D. and
the so named individuals of their Unit;
JOHN DOE # 1; JOHN DOE # 2;
ANTHONY R. DISALVIO; and JANE DOE,

Defendants.

-----x
ROSS, United States District Judge:

On October 8, 2009, the United States Court of Appeals for the Second Circuit vacated this court's judgment dismissing this action and remanded for further proceedings to consider the application of Rule 17(c) of the Federal Rules of Civil Procedure.

Accordingly, the case was restored to the calendar. The Clerk of Court is directed to issue a refund to plaintiff of the \$455 filing fee incurred when he filed his appeal. The court will continue to review the application of Rule 17(c) to plaintiff's claims.

SO ORDERED.

ALLYNE R. ROSS
United States District Judge

Dated: Brooklyn, New York
October 21, 2009