

C/M

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PATTY LEE HALEY,

Plaintiff,

ORDER

10 Civ. 0739 (BMC)(JO)

-against-

JOHN AND JANE DOE 1 through 3, agents of the Federal Bureau of Investigation in New York; JOHN DOE, agent of the Federal Bureau of Investigation in Colorado; JOHN AND JANE DOE 1 through 3, employees of New York Racing Association, Inc.; JANICE M. SIVILLO,

Defendants.

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COGAN, District Judge.

Plaintiff’s application to proceed *in forma pauperis* under 28 U.S.C. § 1915 is hereby granted. The complaint is dismissed against defendants Janice M. Sivillo, as no conceivable claim could be maintained, and JOHN DOE, agent of the Federal Bureau of Investigation (“F.B.I.”) in Colorado, as frivolous. All allegations relating to incidents that occurred in Colorado are stricken as frivolous. Thus, plaintiff’s sole issue in this action is whether she was subject to an unconstitutional search of her purse by three unknown F.B.I. agents and three unknown employees of the New York Racing Association, Inc. (“NYRA”).

This case is referred to the Honorable James Orenstein, United States Magistrate Judge, for an initial status conference and all pretrial proceedings. Judge Orenstein will explain to plaintiff how to obtain information regarding the identity of the unknown NYRA employees.

The Clerk of Court shall send a copy of this Order and the complaint to the U.S. Attorney's Office for the Eastern District of New York and to plaintiff. No summons shall issue at this time. The U.S. Attorney's Office is hereby requested to produce information regarding the identities of the unknown agents by April 8, 2010. Once the information is provided, plaintiff's complaint shall be deemed amended to reflect the full names of the defendants, summonses shall be issued, and the Court shall direct service on the defendants.

This Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

U.S.D.J.

Dated: Brooklyn, New York
March 8, 2010