

D/F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BENNET SIMPKINS,

Plaintiff,

ORDER

10-CV-1554 (NGG) (LB)

-against-

BRUCE SONTAG; ROBERT ROSENBLATT;
BORIS MAGID; YVONNE LEWIS; LILLA
ALLOCA; and LORRAINE GUZZO,

Defendants.

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NICHOLAS G. GARAUFIS, United States District Judge.

Pro se Plaintiff Bennett Simpkins filed this action seeking damages for “money lost and for debts incurred” stemming from several New York State housing-court and family-court proceedings. (Complaint ¶ 3 (Docket Entry # 1).) On April 21, 2010, this court granted Plaintiff’s request to proceed in forma pauperis and directed Plaintiff to file an amended complaint, within thirty days, that stated a clear basis for the court’s exercise of subject matter jurisdiction. (Docket Entry # 3.) Plaintiff failed to respond to the court’s order within thirty days and, on July 15, 2010, the court entered judgment against Plaintiff and dismissed the Complaint. (Docket Entry # 4.) On July 23, 2010, the judgment was returned to the court as “undeliverable” because the court apparently sent the judgment to the wrong address. (See Docket Entry # 5.) On September 28, 2010, the court reopened Plaintiff’s case for the limited purpose of allowing Plaintiff a chance to respond to the court’s April 21, 2010 Order. (See Docket Entry # 7.) The court instructed Plaintiff that it would dismiss his action if he did not file an amended complaint by October 23, 2010. (See id.) On October 6, 2010, Plaintiff filed a letter with the court acknowledging his receipt of the court’s order, simply stating, “Gentlemen: Thank you for

correspondence 9/28/10." (See Docket Entry # 8.) Plaintiff has not filed an amended complaint as directed by the court. Accordingly, and as discussed in its July 15, 2010 and September 23, 2010 Orders, the court dismisses Plaintiff's Complaint without prejudice.

The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore denies Plaintiff in forma pauperis status for the purpose of any appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962). The Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Brooklyn, New York
November 8, 2010

/ s/Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge