

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WILLIAM JONES,

Plaintiff,

-against-

THE NEW YORK STATE SUPREME COURT;
ANDREW CUOMO, Attorney General of the
State of New York,¹

Defendant.
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SUMMARY ORDER
10-CV-3198 (DLI)

DORA L. IRIZARRY, U.S. District Judge:

Plaintiff William Jones filed this *pro se* action on July 7, 2010. By Order dated October 6, 2010, the court granted plaintiff thirty (30) days leave to file an amended complaint. Plaintiff was advised that if he failed to comply with the Order within the time allowed, a judgment would be entered dismissing the complaint with prejudice. On October 29, 2010 and November 1, 2010, plaintiff filed letter motions seeking an extension of time in which to file an amended complaint. By Order dated November 19, 2010, the court granted plaintiff’s request and ordered that he must file an amended complaint no later than December 30, 2010. On December 3, 2010, the court’s November 19, 2010 Order , which was sent to the address plaintiff provided at Rikers Island, was returned by the United States Postal Service as undeliverable with the notation, “Return to Sender-EXP; Discharged.” Moreover, plaintiff’s name does not appear on either the New York City Department of Correction’s Inmate Locator or on the New York State Department of Correctional Services Locator. (*See* http://a072-web.nyc.gov/inmatelookup/more/;__and

¹ The court notes that Andrew Cuomo is now the Governor of New York. Eric T. Schneiderman became New York Attorney General on January 1, 2011.

http://nysdocslookup.docs.state.ny.us/kinqw00.) As plaintiff has neither filed an amended complaint to date, nor has he provided the court with a proper mailing address, the court has no way of contacting plaintiff and has no choice but to dismiss plaintiff's complaint with prejudice.² Accordingly, this action is hereby dismissed with prejudice pursuant to 28 U.S.C. § 1915A. The 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 purpose of an appeal. *See Coppedge v. United States*, 269 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York
April 15, 2011

_____/s/_____
DORA L. IRIZARRY
United States District Judge

² *See Concepcion v. Ross*, 1997 WL 777943, at *1 (E.D.N.Y. Oct. 27, 1997) (when a party changes addresses, it is his obligation to notify the court of his new address); *Handlin v. Garvey*, No. 91 Civ. 6777, at *5 (S.D.N.Y. Nov. 20, 1996) (explaining that the duty to inform the court and defendants of current address is “an obligation that rests with all pro se plaintiffs”).