

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
US DISTRICT COURT

★ DEC 27 2011

C/M

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JERIC GRIFFITH,

Plaintiff,

- against -

DETECTIVE CHARLES STEWART,
SERGEANT ROBERT CABAN, CITY
OF NEW YORK, and THE NYPD,

Defendants.
-----X

BROOKLYN OFFICE

MEMORANDUM
DECISION AND ORDER

10-CV-6066 (BMC)(LB)

Plaintiff Jeric Griffith, appearing *pro se*, brought this action on December 28, 2010. On November 7, 2011, defendants moved to dismiss Griffith's complaint for lack of prosecution under Fed. R. Civ. P. 41(b) or as a sanction under Fed. R. Civ. P. 37(b)(2)(A)(v) for repeatedly disobeying Magistrate Judge Bloom's discovery Orders. Judge Bloom authored a Report and Recommendation ("R&R") on November 10, 2011, recommending dismissal of Griffith's complaint pursuant to Rule 37(b)(2)(A)(v).

On December 5, 2011, I held that dismissal was not yet appropriate because it "remain[ed] possible that a lesser sanction may secure Griffith's cooperation." I therefore imposed a \$350 monetary sanction on Griffith and explained that his case could continue to proceed before Judge Bloom only if he filed proof of this payment within fourteen days of my Order. I warned Griffith that Judge Bloom's R&R would be adopted, and Griffith's complaint dismissed entirely, if he failed to pay the monetary sanction.

Griffith has failed to comply with this Court's sanction Order. I therefore adopt the recommendations set forth in Judge Bloom's R&R and grant the motion to dismiss. The Clerk of the Court is directed to enter judgment.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917 (1962).

SO ORDERED.



U.S.D.J.

Dated: Brooklyn, New York
December 27, 2011