

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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**YAHER ISRAEL BABAYOF, a/k/a
YAIR ISRAEL BABAYOFF,**

Plaintiff,

**MEMORANDUM
AND ORDER**

-against-

12-CV-6073 (WFK)

CITY OF NEW YORK, et al.,

Defendants.

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ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

In a letter to this Court dated January 10, 2014, counsel for the City of New York and various defendant police officers (collectively, “defendants”) reports that, among other things, since the fall of 2013, *pro se* plaintiff Yaher Babayof (“plaintiff”) has not responded to any of defense counsel’s requests and communications, and has not provided the discovery ordered by the Court. See Letter to Judge Mann (Jan. 20, 2014) (“Def. Letter”), Electronic Case Filing (“ECF”) Docket Entry (“DE”) #32. Nor has plaintiff supplied an update regarding the status of his criminal court case, which he was ordered to file by December 23, 2013. See Minute Entry (Oct. 24, 2013) (“10/24/13 Minute Entry”) at 1-2, DE #29. In short, since the time of the Court’s scheduling conference on October 24, 2013, plaintiff has done nothing to prosecute his civil rights claims in this case.¹

¹ Apparently, the only action taken by plaintiff since that time was the transmission of an email to defense counsel on December 17, 2013, wherein plaintiff stated that he assumed that his adversary would not consent to some unidentified request; as defendants were unaware of any request, defense counsel sent a responsive email requesting a copy of the same, but
(continued...)

It thus appears that plaintiff is ignoring his discovery obligations and continuing to violate court orders. Plaintiff was previously warned by the Court “that any further violations of court orders could result in the dismissal of his complaint.” Order (Aug. 9, 2013), DE #25. Fact discovery closes next week, on January 23, 2014. See 10/24/13 Minute Entry at 1. The Court will give plaintiff one *final* opportunity to demonstrate his commitment to diligently prosecuting his claims. Plaintiff is directed to serve defense counsel, by that date, with his Rule 26(a)(1)(A) disclosures (including but not limited to fully completed and executed section 160.50 and medical release authorizations), along with his responses to defendants’ document demands. Plaintiff is expressly warned that if he fails to timely and fully comply with this Order, this Court will recommend that the case be dismissed and may also impose other sanctions.

The Clerk is requested to enter this Order into the ECF system and to transmit a copy to plaintiff by facsimile and Federal Express.

SO ORDERED.

**Dated: Brooklyn, New York
January 13, 2014**

/s/ Roanne L. Mann

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**

¹(...continued)
plaintiff never replied. See Def. Letter at 2. The court file contains no submission from plaintiff since August 2013, nor has the undersigned magistrate judge seen any such request.