

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NOT FOR PUBLICATION

ROODY THOMAS,

Plaintiff,

-against-

N.Y.P.D.; DOC N.Y.C.; Rikers Island (C95/C73);
Correction Officers,

Defendants.

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JOHN GLEESON, United States District Judge:

MEMORANDUM
AND ORDER

12-CV-6327 (JG) (LB)

On December 27, 2012, plaintiff Roody Thomas, then incarcerated at the Mid-Hudson Forensic Psychiatric Center, commenced this *pro se* action pursuant to 42 U.S.C. § 1983. Thomas sought damages on account of physical abuse, mental pain and anguish and emotional distress caused by an alleged assault by a number of correction officers. Compl. at 4. Thomas did not provide the date or the location of the assault, but referred to having spoken to “Internal Affairs in 2008.” *Id.* On February 4, 2013, I granted Thomas’s request to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 and directed him to file an amended complaint within 30 days.

My order directing Thomas to file an amended complaint was mailed to Thomas’s last known address at Mid-Hudson Forensic Psychiatric Center in New Hampton, New York; however, on February 21, 2013, the order was returned to the Court by the United States Postal Service as “Return to Sender.” *See* Docket Entry # 7. Thomas has not contacted the Court with a new address. However, according to the New York City Department of Correction’s Inmate Lookup System, Thomas was arrested on February 25, 2013 and is currently being held at the Anna M. Kross Correctional Facility. *See* <http://a073-ils-web.nyc.gov/inmatelookup/ils/pages/common/find.jsf>. (last visited March 12,

2013).

In light of Thomas's *pro se* status, the Clerk of Court is respectfully directed to re-send my order dated February 4, 2013, along with a copy of this order, to Thomas at his new address and to note his new address on the docket:

Roody Thomas, #8951300276
Anna M. Kross Correctional Facility
18-18 Hazen Street
East Elmhurst, New York 11370

Thomas has an additional 30 days from the date this order is entered to file an amended complaint as set forth in my prior order. If Thomas elects to file an amended complaint, that submission should be captioned "AMENDED COMPLAINT" and bear the same docket number as this order, 12-CV-6327 (JG)(LB). If Thomas fails to file an amended complaint within the additional 30 days provided, judgment shall enter dismissing this action in its entirety for the reasons set forth in my order dated February 4, 2013. Should Thomas be released and his address change, he must notify the Court in writing.

I certify 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 the purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

So ordered.

JOHN GLEESON, U.S.D.J.

Dated: Brooklyn, New York
March 13, 2013