

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

|                                |   |                                      |
|--------------------------------|---|--------------------------------------|
| -----X                         |   |                                      |
| PASAN WITHARANA,               | : |                                      |
|                                | : | <u><b>MEMORANDUM &amp; ORDER</b></u> |
| <b>Petitioner,</b>             | : |                                      |
|                                | : | <b>13-CV-4338 (ENV) (MDG)</b>        |
| <b>-against-</b>               | : |                                      |
|                                | : |                                      |
| NYC TAXI LIMOUSINE COMMISSION, | : |                                      |
|                                | : |                                      |
| <b>Respondent.</b>             | : |                                      |
|                                | : |                                      |
| -----X                         |   |                                      |
| VITALIANO, D.J.                |   |                                      |

**On September 11, 2013, this Court granted plaintiff’s request to proceed in forma pauperis, dismissed plaintiff’s complaint and granted plaintiff 30 days leave to file an amended complaint. (Mem. & Order (Dkt. No. 5), Sept. 11, 2013.) The Court found that the New York City Taxi and Limousine Commission was not a suable entity and that plaintiff failed to allege facts demonstrating a violation of his federal statutory or constitutional rights. (Id.) However, the Court granted plaintiff 30 days leave to file an amended complaint should plaintiff be able to name a properly suable defendant and allege facts in support of that claim. (Id.) More than 30 days have elapsed and plaintiff has not filed an amended complaint or otherwise responded to the Court’s Order.**

**Accordingly, the Clerk of Court is directed to enter judgment dismissing the plaintiff’s claims and to close this case. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Order would not be taken in good faith and,**

therefore, in forma pauperis status is denied for the purposes of any appeal.

Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

So Ordered.

Dated: Brooklyn, New York  
October 30, 2013

s/ ENV

  
ERIC N. VITALIANO  
United States District Judge