

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORKCIVIL JUDGMENT

ERNESTO CALDERON,

Plaintiff,

- against -

AMKC C-95,

Defendant.

MEMORANDUM  
AND ORDER  
14-CV-6872 (JG)

JOHN GLEESON, United States District Judge:

On September 25, 2014, plaintiff Ernesto Calderon, currently incarcerated at Groveland Correctional Facility, filed this *pro se* complaint pursuant to 42 U.S.C. § 1983. By order dated October 10, 2014, the United States District Court for the Western District of New York transferred the action to this Court. By order dated April 24, 2014, I granted plaintiff's request to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915, and dismissed plaintiff's complaint for failure to state a claim upon which relief may be granted. However, plaintiff was granted thirty (30) days' leave to submit an amended complaint. Plaintiff was advised that if he failed to submit an amended complaint within the allowed time, the Court would enter judgment. More than 30 days have elapsed and plaintiff has failed to respond to the Court's order.

Accordingly, it is

ORDERED, ADJUDGED AND DECREED that the action having been previously dismissed for failure to state a claim upon which relief may be granted, judgment is hereby entered. 28 U.S.C. § 1915A. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any

appeal from this order and judgment 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*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

John Gleeson, U.S.D.J.

Dated: Brooklyn, New York  
June 30, 2015