

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CAROLYN JANE SIINO,

Plaintiff,

ORDER

14-CV-7217 (MKB)

v.

NYC HUMAN RESOURCES ADMINISTRATION/
DEPARTMENT OF SOCIAL SERVICES, NYC
DEPARTMENT OF HOMELESS SERVICES, CITY
OF NEW YORK, NEW YORK FOUNDATION
FOR SENIOR CITIZENS, GUARDIAN SERVICES,
INC., and CROWN HOUSE REALTY CO. LLC,

Defendants.

MARGO K. BRODIE, United States District Judge:

Plaintiff Carolyn Siino, proceeding *pro se*, commenced the above-captioned on December 8, 2014. For the purposes of this order, Plaintiff's request to proceed *in forma pauperis* is granted.

Plaintiff's Complaint indicates that she "was considered to be mentally impaired and incapacitated," (Compl. 16), and was assigned a guardian by the New York State Supreme Court, Queens County, in a proceeding relating to "Art[icle] 81." (Compl. 2, 6). The Court is mindful of the Second Circuit's caution that "[a] court may not determine on its merits the claim of an incompetent person who is not properly represented." *James v. New York*, 415 F. App'x 295, 296 (2d Cir. 2011) (citing *Berrios v. N.Y.C. Hous. Auth.*, 564 F.3d 130, 134 (2d Cir.2009)); *see also In re Card*, No. 12-CV-114, 2012 WL 382730, at *2 (E.D.N.Y. Feb. 6, 2012) (same).

To the extent Plaintiff must be represented by her Guardian in this action, copy of this Order shall be sent to Plaintiff and the organization which she alleges to be her guardian, New

York Foundation for Senior Citizens, Guardian Services, 11 Park Place, 14th Floor, New York NY 10007-2801. Unless the Guardian appears on Plaintiff's behalf within thirty (30) days, the action will be dismissed without prejudice. *See Berrios*, 564 F.3d at 135.

SO ORDERED:

s/ MKB
MARGO K. BRODIE
United States District Judge

Dated: February 20, 2015
Brooklyn, New York