

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.
★ APR 04 2017 ★

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:
SHAWNNEKA T. WATKINS, :
:
Plaintiff, :
v. :
:
THE CITY OF NEW YORK, et al., :
:
Defendants. :
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BROOKLYN OFFICE
NOT FOR PUBLICATION

MEMORANDUM & ORDER
16-CV-7083 (WFK) (RML)

WILLIAM F. KUNTZ, II, United States District Judge:

On December 21, 2016, plaintiff Shawnneka T. Watkins (“Plaintiff”), appearing *pro se*, filed this action pursuant to 42 U.S.C. § 1983. By Memorandum & Order dated February 2, 2017, the Court granted Plaintiff’s request to proceed *in forma pauperis* solely for the purpose of the Order and found that it could not reach the merits of Plaintiff’s claims because, as an incompetent person, she could not pursue them on her own behalf. Fed. R. Civ. P. 17(c); *see also Berrios v. N.Y.C. Hous. Auth.*, 564 F.3d 130, 134 (2d Cir. 2009); *Ferrelli v. River Manor Health Care Ctr.*, 323 F.3d 196, 201 (2d Cir. 2003).

The Court directed Plaintiff’s guardian *ad litem*—appointed by the Civil Court of the City of New York, County of Kings—to file suit within 30 days from the date of the Order or the action would be dismissed without prejudice. To date, more than 30 days have elapsed and no action has been taken in this Court by Plaintiff’s guardian *ad litem*.

Accordingly, this action is dismissed without prejudice. *See Berrios*, 564 F.3d at 135. The Court certifies 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). The Clerk of Court is directed to close this action.

SO ORDERED.

s/ WFK


WILLIAM F. KUNTZ, II
United States District Judge

Dated: April 3, 2017
Brooklyn, New York