UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------x
NARAD PERSAUD,

Plaintiff,

-against-

RAHUL GUPTA,

Defendant.
----------x

NOT FOR PUBLICATION

MEMORANDUM & ORDER
17-CV-1273 (WFK)

KUNTZ, II, United States District Judge:

Pro se plaintiff Narad Persaud ("Plaintiff") filed the above-captioned Complaint on March 6, 2017, against Rahul Gupta ("Defendant"). By Order entered April 5, 2017, the Court granted Plaintiff's request to proceed *in forma pauperis* and dismissed the Complaint, with leave to amend. Plaintiff filed his Amended Complaint on April 26, 2017, but it fails to cure the deficiencies in the original. Accordingly, the action is dismissed for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B).

In his original Complaint, Plaintiff described some racially charged incidents with Defendant at Plaintiff's residence. Plaintiff alleged violations of the Fair Housing Act ("FHA"), 42 U.S.C. § 3601 *et seq.*, but did not identify Defendant as his landlord nor allege discrimination in the conditions of rental or the provision of services or facilities. The Court's April 5, 2017 Order directed Plaintiff to include specific factual allegations showing disparate impact or disparate treatment on the basis of race if he wished to assert a claim under the FHA.

The Amended Complaint identifies Plaintiff as an individual of East Indian heritage and a native of Guyana and states that Defendant "claims to be from the Indian sub-continent." Am. Compl. at 1, ECF No. 5. Plaintiff does not directly identify Defendant as his landlord, but

initiation of eviction proceedings. *Id.* at 2-4. None of these allegations includes any reference to racial discrimination or any other potential violation of the FHA. They may include violations of state law provisions, but Plaintiff has not established any other basis for federal jurisdiction over those claims.

As the Amended Complaint fails to state a claim under the FHA or any other provision of federal law, the action is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Any state law claims are dismissed without prejudice. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal 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). The Clerk of Court is directed to enter judgment and close this case.

SO ORDERED.

s/ WFK

WILLIAM F. KUNTZ, II
United States District Judge

Dated: Brooklyn, New York
May 4, 2017