

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

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JAMES PHILOGENE-BEY,

Plaintiff,

ORDER

-against-

17-CV-1486 (ENV)(RLM)

**NEW YORK CITY POLICE
COMMISSIONER JAMES P. O'NEILL, in his
individual and official capacity; MAYOR BILL
DE BLASIO, in his individual and official
capacity; THE CITY OF NEW YORK; NEW
YORK CITY POLICE OFFICER ROMAN
RUSHTLION, in his individual and official
capacity; NEW YORK CITY POLICE
OFFICER LT. LEE LAPKEUNG, in his
individual and official capacity; NEW YORK
CITY POLICE OFFICER SGT. SANDOVAL,
in his individual and official capacity; NEW
YORK CITY POLICE OFFICER SGT.
OLSEN, in his individual and official capacity;
and NEW YORK CITY POLICE OFFICER
JOHN DOE, in his individual and official
capacity,**

Defendants.

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ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

Currently pending before the Court is *pro se* plaintiff James Philogene-Bey's Request for a Certificate of Default against defendants. See Request for Certificate of Default (June 16, 2017), Electronic Case Filing Docket Entry ("DE") #19. By order dated June 14, 2017, the Court granted defendants' request for an extension of time to answer or otherwise respond to the complaint to August 15, 2017. See Memorandum and Order (June 14, 2017), #18. Since the time for defendants to file an answer has not expired, the Clerk of Court is directed to deny without prejudice plaintiff's Request for a Certificate of Default.

Although the Court is not ruling on the effectiveness of service on defendants at this time, based on a review of the affidavits of service filed, plaintiff is advised that some of the affidavits may not be sufficient to demonstrate that defendants have been properly served.

SO ORDERED.

**Dated: Brooklyn, New York
June 19, 2017**

/s/ Roanne L. Mann

**ROANNE L. MANN
CHIEF UNITED STATES MAGISTRATE JUDGE**