

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Donald Graves,

Plaintiff,

-against-

U.S. Government; Rikers Island

Sing Sing; Bellevue Hospital;

Mid Hudson; Dr. Seltzer; Attica

Max Prison Psyche Hospital;

Marcy Psyche Hospital

Defendants.  
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MEMORANDUM & ORDER

20-cv-5111 (ENV)

VITALIANO, D.J.

On October 22, 2020, plaintiff Donald Graves, filed the instant *pro se* complaint pursuant to 42 U.S.C. § 1983.<sup>1</sup> By order dated December 1, 2020, plaintiff's request to proceed *in forma pauperis* ("IFP") was denied and he was ordered to pay the \$400 filing fee or file, within 30 days, an affirmation which pleads facts sufficient to place him within the "imminent danger" exception provided by 28 U.S.C. § 1915(g) as of the date he commenced this action, in order to proceed with this action.

More than 30 days have elapsed, and Graves has failed to respond. However, in light of Graves's *pro se* status, the Court *sua sponte* extends the deadline an additional 30 days, until February 8, 2021, in order for Graves to comply. The Clerk of Court is directed to send a copy of the December 1, 2020 memorandum and order and this order to Graves's last known address. If Graves fails to comply with this order on or before February 8, 2021, the action will be

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<sup>1</sup> At the time of filing the complaint, Graves was incarcerated at the George R. Vierno Center on Rikers Island. A review of the New York City Department of Correction inmate lookup website indicates no record for Graves. It is Graves's obligation to notify the Court of his change of address.

dismissed without prejudice. No extension shall be granted without good cause shown. No response from defendants to this complaint is required at this time.

So Ordered.

Dated: Brooklyn, New York  
January 8, 2021

/s/ Eric N. Vitaliano

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ERIC N. VITALIANO  
United States District Judge