

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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McKINLEY MILLER III,

Plaintiff,

-against-

MEMORANDUM & ORDER
09-CV-2819 (JS) (WDW)

NASSAU COUNTY DISTRICT
ATTORNEY'S OFFICE; HEMPSTEAD
POLICE DEPARTMENT; MERYL BERKOWITZ,
COUNTY COURT JUDGE; DANIEL CONTI,
ATTORNEY,

Defendants.

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APPEARANCES

For Plaintiff: McKinley Miller III, Pro Se
 cc# 09003139
 Nassau County Correctional Center
 100 Carman Avenue
 East Meadow, NY 11554

For Defendants: No Appearance

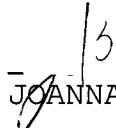
SEYBERT, District Judge:

In an Order dated December 28, 2009 ("December 28 Order"), this Court dismissed Plaintiff's Amended Complaint with prejudice as to the Nassau District Attorney's Office, and the Hempstead Police Department and without prejudice as to Nassau County, Meryl Berkowitz, and Daniel Conti and with leave to amend by January 22, 2010. The Court clearly directed Plaintiff to file a second Amended Complaint, setting forth the legal basis and factual allegations to support his claims against each Defendant, and the relief he is seeking with respect thereto. Finally, the Court warned that if Plaintiff failed to submit a Second Amended Complaint by January 22, 2010, this Amended Complaint would be

dismissed with prejudice, and the case would be closed.

Plaintiff has failed to comply with the Court's December 28 Order. Accordingly, the case is DISMISSED with prejudice. The Clerk of the Court is directed to mark this matter CLOSED.

SO ORDERED.

 | 3 | **JOANNA SEYBERT**
JOANNA SEYBERT, U.S.D.J.

Dated: January 26, 2010
Central Islip New York