

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAEL FETCHO,

Plaintiff,

-against-

MEMORANDUM & ORDER
10-CV-3881 (JS) (WDW)

NEW YORK STATE DEPARTMENT OF
TAXATION AND FINANCE,

Defendant.

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APPEARANCES:

For Plaintiff: Michael Fethco, pro se
23 Moss Lane
Levittown, NY 11756

For Defendant: Toni E. Logue, Esq.
NYS Attorney General's Office
200 Old Country Road, Suite 460
Mineola, NY 11501

SEYBERT, District Judge:

Pro se Plaintiff Michael Fethco sued Defendant New York State Department of Taxation and Finance asserting, among other things, claims for employment discrimination. Defendant moved for leave to amend his complaint (Docket Entry 17) on March 1, 2011. Thereafter, on May 5, 2011, Defendant moved for a judgment on the pleadings. Then--although the Court had not addressed either motion--Plaintiff filed an Amended Complaint on May 17, 2011. (Docket Entry 26.) Defendant moved to dismiss the Amended Complaint on June 6, 2011.

Plaintiff's Amended Complaint is marred by a series of dark streaks (presumably caused by a malfunctioning printer or photocopier) rendering parts of the pleading illegible, particularly now that it has been scanned on the Court's ECF system. (See Docket Entry 26.) The Court does not decide here whether it will consider the substance of Plaintiff's Amended Complaint, which was filed without the Court's leave, and it intends to address all outstanding motions at once. **First, though, Plaintiff is directed to submit, within twenty-one (21) days, a clean copy of the Amended Complaint for the Court's consideration.** The text of this copy should be exactly the same as the document that Plaintiff filed on May 17, 2011.

CONCLUSION

Within twenty-one (21) days, Plaintiff shall file a clean copy of his Amended Complaint. The Clerk of the Court is respectfully directed to mail Plaintiff a copy of this Order.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: December 20, 2011
Central Islip, New York