

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
PETER M. GELSOMINO,

Plaintiff,

-against-

MARTHA, Psychiatrist, and SUFFOLK COUNTY,

Defendants.
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FEUERSTEIN, District Judge:

ORDER

13-CV-1433 (SJF)(WDW)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 05 2013 ★

LONG ISLAND OFFICE

I. Introduction

On March 11, 2013, incarcerated *pro se* plaintiff Peter M. Gelsomino ("plaintiff") filed a civil rights complaint in this Court pursuant to 42 U.S.C. § 1983 ("Section 1983") against defendants Medical and Psych Dept. at Suffolk County Corr. Facility; Martha, Psychiatrist ("Martha"); Sheriff's Department; Dept. of Correctional Services; Suffolk County, N.Y. ("the County"); Suffolk County Dept. of Mental Health; and Suffolk County Correctional Facility ("SCCF") (collectively "defendants"), accompanied by an application to proceed *in forma pauperis*. By order dated May 20, 2013, plaintiff's application to proceed *in forma pauperis* was granted; the complaint was *sua sponte* dismissed in its entirety pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1) for failure to state a claim for relief; plaintiff was granted leave to file an amended complaint to re-plead his claims against Martha and the County on or before June 24, 2013; and plaintiff was advised that his failure to file an amended complaint in accordance with that order would result in the complaint being deemed dismissed in its entirety with prejudice and judgment being entered in favor of defendants. Plaintiff has not filed an amended complaint in accordance with the May 20, 2013 order, sought an extension of time to

do so or taken any other steps to prosecute this action since the filing of the complaint.

Accordingly, the complaint is *sua sponte* dismissed in its entirety with prejudice. The Clerk of the Court shall enter judgment in favor of defendants and close this case.

The Court certifies pursuant to 28 U.S.C. § 1915 (a)(3) that any appeal from this order 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).

SO ORDERED.

s/ Sandra J. Feuerstein

Sandra J. Feuerstein
United States District Judge

Dated: August 5, 2013
Central Islip, New York