

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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OSCAR SMITH,

Plaintiff,

-against-

SUFFOLK COUNTY CORRECTIONAL FACILITY,  
VINCENT F. DEMARCO, Suffolk County Sheriff,  
CHARLES EWALD, Warden,

Defendants.  
-----X

FEUERSTEIN, District Judge:

ORDER

13-CV-2598(SJF)(WDW)

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

★ JUL 03 2013 ★

LONG ISLAND OFFICE

By Order dated May 9, 2013, plaintiff Oscar Smith ("plaintiff") was ordered to show cause in writing on or before May 23, 2013 why his claims brought pursuant to 42 U.S.C. § 1983 ("Section 1983") concerning conduct alleged to have occurred in 1989 are not barred by the three-year statute of limitations. [Docket Entry No. 4]. Plaintiff was cautioned that his failure to timely comply would lead to the dismissal of his complaint without prejudice. Id. To date, plaintiff has not complied with the order to show cause and has not otherwise communicated with the Court. Accordingly, the complaint is dismissed without prejudice. The Clerk of the Court is respectfully directed to 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 the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

Dated: July 3, 2013  
Central Islip, New York

SO ORDERED.

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SANDRA J. FEUERSTEIN  
UNITED STATES DISTRICT JUDGE