

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WALTER G. PIETSCH,

Plaintiff,

-against-

MEMORANDUM & ORDER
13-CV-4696 (JS) (SIL)

POLICE OFFICER VITO MARCANTONIO,
SHIELD # 299; COMMISSION ON PRESIDENTIAL
DEBATES; DEMOCRATIC NATIONAL COMMITTEE;
REPUBLICAN NATIONAL COMMITTEE,

Defendants.

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APPEARANCES

For Plaintiff: Walter G. Pietsch, pro se
P.O. Box 10057
Westbury, NY 11590

For Defendants: No appearances.

SEYBERT, District Judge:

On May 5, 2014, the Court received a process receipt and return from the United States Marshal Service ("USMS") indicating that the USMS was unable to serve Defendant Vito Marcantonio ("Marcantonio") at the address previously provided to the Court. (Docket Entry 22.) Based upon pro se Plaintiff's filings herein, it was unclear whether Marcantonio was a police officer or a public safety official employed by Hofstra University ("Hofstra"). On May 15, 2014, the Court therefore reauthorized service of the Summons and Complaint at Hofstra, to the extent that Marcantonio was employed in any capacity by Hofstra. (Docket Entry 24.) On October 10, 2014, the Court again received a process receipt and

return from the USMS stating that the general counsel of Hofstra would not accept service since "no such individual works at [the] univ[ersity]." (Docket Entry 27.)

Plaintiff insists that Marcantonio is employed by Hofstra and now moves for the Court to order the USMS to return to Hofstra to obtain information as to Marcantonio's identity. (Docket Entry 26.) Plaintiff's motion is DENIED. However, the Court will order the USMS to attempt service one additional time. The Clerk of the Court is directed to issue a Summons and Rider identical to the previous Summons and Rider at Docket Entry 25 and forward them to the USMS together with the Complaint, the Court's November 18, 2013 and May 15, 2014 Orders (Docket Entries 7, 24), and this Order for service upon Marcantonio. The USMS shall attempt service at the following addresses previously provided by Plaintiff: (1) Hofstra University, 144 Hofstra University, Hempstead, NY 11549; (2) Hofstra University's Department of Public Safety and Information Center, Hempstead Turnpike and California Avenue, Hempstead, NY 11550; and (3) Hofstra University, 1000 Fulton Avenue, Hempstead, NY 11550. If the USMS cannot effectuate service this third time, the Court will have no choice but to dismiss this action.

Finally, Plaintiff's motion for in forma pauperis status "for all appeals in the future" (Docket Entry 28) is DENIED.

The Clerk of the Court is directed to mail a copy of
this Order to pro se Plaintiff.

SO ORDERED.

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

Dated: February 26, 2015
Central Islip, New York