Marcus v. Newton et al Doc. 7

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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MICHAEL MARCUS,

Plaintiff,

-against-

ORDER 14-CV-7426(JS)(SIL)

Acting Warden, NEWTON, in his Official and Individual Capacity; Deputy Warden of Security, BREELAND, in her Individual Capacity; Assistant Deputy Warden, JONES, in his Individual Capacity; and Security Captain, THOMAS, in his Individual Capacity,

Defendants.

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APPEARANCES

For Plaintiff: Michael Marcus, pro se

441-14-08109

Rikers Island - GMDC 15-15 Hazen Street

East Elmhurst, NY 11370

For Defendants: No appearances.

SEYBERT, District Judge:

On December 5, 2014, incarcerated <u>pro se</u> plaintiff
Michael Marcus ("Plaintiff") filed a Complaint in the Southern
District of New York pursuant to 42 U.S.C. § 1983 ("Section 1983")
against Deputy Newton, Deputy Warden of Security Breeland,
Assistant Deputy Warden Jones, and Security Captain Thomas, all of
whom are alleged to work at Rikers Island-George Motchan Detention
Center ("GMDC"), (collectively, "Defendants"), accompanied by an
application to proceed <u>in forma pauperis</u>.

By Transfer Order dated December 12, 2014, Plaintiff's case was transferred from the Southern District of New York to this

Court. (See December 12, 2014 Transfer Order, Preska, C.J. (Docket

Entry 4.) Upon review of the declaration in support of the

application to proceed in forma pauperis, the Court finds that

Plaintiff's financial status qualifies him to commence this action

without prepayment of the filing fee. See 28 U.S.C. §§ 1914(a);

1915(a)(1). Therefore, Plaintiff's request to proceed in forma

pauperis is GRANTED.

The Clerk of the Court is directed to forward copies of

the Summonses, Complaint, and this Order to the United States

Marshal Service for service upon the Defendants without prepayment

of fees, and to serve notice of entry of this Order in accordance

with Rule 77(d)(1) of the Federal Rules of Civil Procedure by

mailing a copy of this Order to the pro se Plaintiff at his last

known address. See FED. R. CIV. P. 5(b)(2)(C).

SO ORDERED.

/s/ JOANNA SEYBERT

Joanna Seybert, U.S.D.J.

Dated: February 3, 2015

Central Islip, New York