

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RICHARD EDWARDS,

Plaintiff,

-against-

MEMORANDUM & ORDER
15-CV-4791 (JS) (ARL)

ARMOR CORRECTIONAL HEALTH SERVICE,
NASSAU COUNTY SHERIFF'S DEPARTMENT,
and DR. CARL SANCHEZ,

Defendants.

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RICHARD EDWARDS,

Plaintiff,

-against-

16-CV-2289 (JS) (ARL)

ARMOR CORRECTIONAL HEALTH SERVICE,
NASSAU COUNTY SHERIFF'S DEPARTMENT,
and DR. CARL SANCHEZ,

Defendants.

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APPEARANCES

For Plaintiff: Richard Edwards, pro se
15001317
Nassau County Correctional Center
100 Carman Avenue
East Meadow, NY 11554

For Defendants: No appearances.

SEYBERT, District Judge:

Incarcerated pro se plaintiff Richard Edwards ("Plaintiff") filed an in forma pauperis Complaint ("Edwards I") in this Court on August 10, 2015 pursuant to 42 U.S.C. § 1983 ("Section 1983") against Armor Correctional Health Service ("Armor"), the Nassau County Sheriff's Department ("NCSD"), and Dr. Carl Sanchez ("Dr. Sanchez" and collectively, "Defendants"). By

Memorandum & Order ("M&O") dated December 14, 2015, the Court granted Plaintiff's application to proceed in forma pauperis, sua sponte dismissed the Complaint pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1), and gave Plaintiff leave to file an Amended Complaint within thirty (30) days from the date of the M&O. To date, Plaintiff has not filed an Amended Complaint, and the time to do so has long expired.

However, on April 27, 2016, Plaintiff filed a new Complaint ("Edwards II") against the Defendants alleging identical claims and it is nearly a duplicate of Edwards I. Plaintiff also filed an application to proceed in forma pauperis and an application for the appointment of pro bono counsel. Because the Complaint in Edwards II is repetitive of his claims alleged in Edwards I and is against the same Defendants, the Court consolidates them under the first-filed Complaint, 15-CV-4791(JS) (ARL), and DIRECTS that the case assigned docket number 16-CV-2289(JS) (ARL) be CLOSED. All future filings shall be made only under docket number 15-CV-4791(JS) (ARL). Given that the Court's M&O granted Plaintiff in forma pauperis status, the application recently filed with Edwards II is not necessary and is thus DENIED AS MOOT.

Given the procedural history set forth above, the Court construes Edward II as an Amended Complaint and will accept it even though it is untimely filed. However, because Edwards II is nearly

identical to Edwards I, and fails to correct any of the deficiencies noted in the M&O, it too is sua sponte DISMISSED pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A(b)(1) for the reasons set forth in the M&O. Given the dismissal of Edwards II, the application for the appointment of pro bono counsel is DENIED AS MOOT.

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).

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

SO ORDERED.

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

Dated: May 18, 2016
Central Islip, New York