UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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DARREN DIONE AQUINO,

Plaintiff,

-against-

MEMORANDUM & ORDER 16-CV-6297 (JS) (GRB)

LEGAL AID SOCIETY OF NASSAU COUNTY, NASSAU COUNTY DISTRICT COURT IN THE STATE OF NEW YORK, JENNIFER MCNULTY, MICHELLE DOWST, GEORGE TORRES, BRIANA RIZZO, and JANE DOE and JOHN DOE, in their official capacity as counsel,

Defendants.

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APPEARANCES

For Plaintiff: Darren Dione Aquino, pro se

574 Junard Boulevard West Hempstead, NY 11552

For Defendant:

Nassau County New York State Attorney General District Court 200 Old Country Road, Suite 240

Mineola, NY 11501

By: Ralph Pernick, Esq.

All other

Defendants: No appearances.

SEYBERT, District Judge:

By Memorandum and Order ("M&O") dated January 31, 2017, the Court denied the application of pro se plaintiff Darren Dione Aquino ("Plaintiff") to proceed in forma pauperis without prejudice and with leave to renew upon completion of the AO 239 in forma pauperis application form annexed to the M&O. Plaintiff was ordered to either remit the Court's \$400.00 filing fee or complete and file the AO 239 in forma pauperis application form annexed to the M&O within fourteen (14) days from the date of the M&O.

On February 10, 2017, Plaintiff timely filed an application to proceed in forma pauperis on the AO 240 form, however, it was incomplete and unsigned. Accordingly, by Memorandum and Order dated April 28, 2017 (the "April M&O"), the Court afforded Plaintiff one final opportunity to comply with the M&O and directed Plaintiff to either remit the Court's \$400.00 filing fee or complete and file the AO 239 in forma pauperis application form annexed to the April M&O within fourteen (14) days from the date of the April M&O. The April M&O "cautioned that a failure to timely comply with this Order will lead to the dismissal of the Complaint without prejudice." (See Docket Entry 15.)

To date, Plaintiff has not paid the \$400.00 filing fee, or completed the AO 239 in forma pauperis application, nor has Plaintiff otherwise communicated with the Court about this case. Accordingly, Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

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  $\underline{pro}$   $\underline{se}$  Plaintiff.

SO ORDERED.

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

Dated: June <u>6</u>, 2017 Central Islip, New York