

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RAYMOND TYLICKI,

Plaintiff,

v.

3:09-cv-53

JOHN R. SCHWARTZ,

Defendant.

THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

In opposition to Defendant's motion to dismiss, Plaintiff Raymond Tylicki, who is proceeding pro se, submitted a 50 page, single-spaced document entitled "Plaintiff's Brief in Support of the Motion to dismiss 'The Motion to Dismiss.'"

Pursuant to N.D.N.Y.L.R. 7.1(b)(3) and 10.1(a), this document is being REJECTED and, therefore, will not be considered by the Court because it fails to comply with N.D.N.Y.L.R. 7.1(a)(1) (limiting a memorandum of law to 25 pages), and 10.1 (requiring all text to be double-spaced and also requiring that pages be consecutively numbered). Furthermore, there is no indication that Plaintiff served a copy of this document on the defendant. Having litigated in this Court several times before and having been provided with a copy of the pro se handbook and pro se notice, see Dkt. 16, Plaintiff should have been aware of these requirements. Despite his pro se status, Plaintiff must comply with the Court's rules.

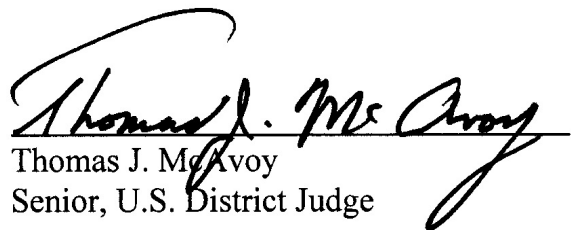
Accordingly, Plaintiff's responsive papers (Dkt. No. 19) are hereby REJECTED and will not be considered by the Court in connection with Defendant's pending motion to dismiss (Dkt. No. 12). In light of Plaintiff's pro se status, the Court will afford Plaintiff until July 24, 2009 to submit responsive papers that fully comply with the Federal Rules of Civil Procedure and this Court's local rules.¹ Any such papers must be served on the defendant.

Plaintiff's failure to submit papers that comply with the Federal Rules of Civil Procedure and this Court's local rules, or the failure to serve the papers on the defendant on or before July 24, 2009 WILL RESULT IN THE REJECTION OF THE PAPERS WITHOUT ANY FURTHER OPPORTUNITY TO SUBMIT PROPER PAPERS. In such a case, Defendant's motion will be deemed unopposed. See N.D.N.Y.L.R. 7.1(b)(3).

The Clerk of the Court shall adjourn this matter to the Court's August 28, 2009 motion calendar. Defendant's reply papers, if any, shall be filed and served on or before August 14, 2009. This matter will be taken on a submit basis. No appearances are necessary and no oral argument will be entertained on August 28, 2009.

IT IS SO ORDERED.

Dated: July 7, 2009


Thomas J. McAvoy
Senior, U.S. District Judge

¹ A copy of the local rules is available at the Clerk's office or at the Court's website: http://www.nynd.uscourts.gov/documents/FinalVersion2009_001.pdf. A copy of the federal rules of civil procedure may be found at: <http://www.uscourts.gov/rules/CV2008.pdf>.