

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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WOODROW FLEMMING,

Plaintiff,

-v.-

9:05-CV-0855  
(LEK)(DEP)

DEPUTY MICHAEL MAHER, Acting Superintendent, *et al.*

Defendants.  
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APPEARANCES:

WOODROW FLEMMING  
Petitioner, *pro se*  
03-A-5259  
Upstate Correctional Facility  
PO Box 2001  
309 Bare Hill Road  
Malone, NY 12953

LAWRENCE E. KAHN, U.S. DISTRICT JUDGE

### ORDER

This matter comes before the Court for review of a complaint and inmate authorization form filed by Woodrow Flemming ("Flemming" or "plaintiff").

However, upon review of the documents filed in this action, it is apparent from plaintiff's captioning of the documents that the pleading is intended to be an amended complaint, and it was intended to be filed in 9:05-CV-473 which plaintiff has pending in this Court. Further, the Court notes that Judge Hurd also directed plaintiff to file a proper inmate authorization form in case 9:05-CV-473. See Docket No. 4.

Accordingly, the Clerk is directed to docket the complaint in this action as a second amended complaint in action 9:05-CV-473. Such second amended complaint shall be deemed to have been filed in 9:05-CV-473 as of July 11, 2005, the date this

action was filed. Further, the Clerk is directed to file the inmate authorization form filed in this action in case 9:05-CV-473. The inmate authorization form shall be deemed to have been filed as of July 11, 2005, the date this action was filed. Upon the transfer of the amended complaint and inmate authorization form to the proper case, this action shall be dismissed.

WHEREFORE, it is hereby

ORDERED, that the Clerk is directed to file and docket the complaint in this action as a second amended complaint in action 9:05-CV-473. Such second amended complaint shall be deemed to have been filed in 9:05-CV-473 as of July 11, 2005, and it is further

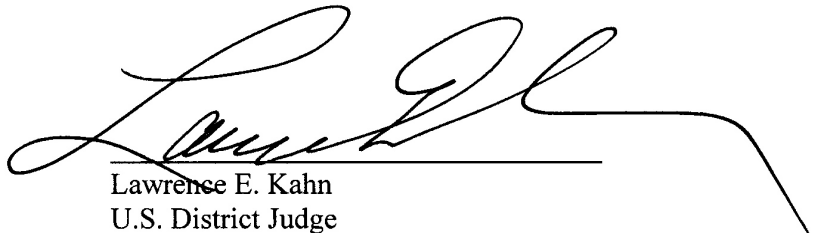
ORDERED, that the Clerk is directed to file and docket the inmate authorization form, presently filed in this action, in case 9:05-CV-473. The inmate authorization form shall be deemed to have been filed as of July 11, 2005, and it is further

ORDERED, that upon the transfer of the amended complaint and inmate authorization form to the proper case, this action shall be dismissed

ORDERED, that the Clerk serve a copy of this Order on the plaintiff by regular mail.

IT IS SO ORDERED.

DATED: July 15, 2005  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge