

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DAVID ROBERTS,

Plaintiff,

v.

9:18-CV-1434
(GLS/CFH)

GREENE COUNTY, et al.,

Defendants.

APPEARANCES:

DAVID ROBERTS
15-A-4933
Eastern New York Correctional Facility
Box 338
Napanoch, New York 12458

**CHRISTIAN F. HUMMEL
UNITED STATES MAGISTRATE JUDGE**

DECISION AND ORDER

Plaintiff pro se David Roberts commenced this civil rights action on or about December 12, 2018, with the filing of a complaint, accompanied by an application for leave to proceed in forma pauperis ("IFP"). Dkt. Nos. 1, 2. Following its review of those documents pursuant to 28 U.S.C. § 1915 and 28 U.S.C. § 1915A, the Court issued a Decision and Order granting plaintiff's IFP application, accepting the complaint insofar as it asserts medical indifference claims against two unidentified Jane Doe defendants employed at Greene County Jail and Columbia County Jail, and dismissing the remainder of the claims asserted in the complaint. Dkt. No. 4 ("February Order") at 17.

In the February Order (and again in a Decision and Order dated March 19, 2019, Dkt. No. 6 ("March Order")), pursuant to *Valentin v. Dinkins*, 121 F.3d 72, 75 (2d Cir. 1997), the Court directed the Greene County Attorney and the Columbia County Attorney "to attempt to ascertain the full names of defendants Doe I and Doe II, as well as the addresses where these individuals can be served with process." February Order at 8; see also March Order at 2. The County Attorneys have now complied with the Court's Orders. Dkt. Nos. 5, 7. In particular, the Greene County Doe defendant has been identified as "Donna Juliano," and the Columbia County Doe defendant has been identified as "Amy VanAlstyne, R.N." *Id.* The Clerk of the Court shall provide plaintiff with a copy of the notices sent by each of the County Attorneys.

If plaintiff wishes to proceed in this action, he must file an amended complaint that identifies the two remaining Greene County and Columbia County Doe defendants **within 30 (30) days** of the date of this Decision and Order. Plaintiff is permitted to submit an amended complaint that consists only of a copy of his original complaint on which he has inserted or added the names of the previously unidentified Jane Doe defendants. The Clerk of the Court shall provide plaintiff with a copy of his original complaint for use in preparing an amended complaint.¹

WHEREFORE, it is hereby

ORDERED, that, **within thirty (30) days** from the date of this Decision and Order, plaintiff shall file an amended complaint that identifies the Greene County and Columbia

¹ Plaintiff is advised that, pursuant to the Local Rules of Practice for this Court, any amended complaint "must be a complete pleading, which will supersede the [original] pleading in all respects." N.D.N.Y. L.R. 7.1(a)(4).

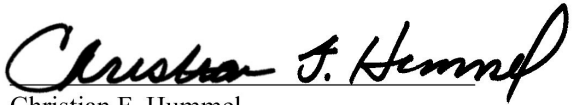
County Doe defendants by name if he wishes to proceed against these defendants on the basis of the information provided in the County Attorneys' notices; and it is further

ORDERED, that, upon the filing of plaintiff's amended complaint, the Clerk shall return the file to this Court for further review; and it is further

ORDERED, that the Clerk shall serve a copy of this Order, a copy of plaintiff's original complaint, and the notices the Court received from the Greene and Columbia County Attorneys (Dkt. Nos. 5, 7) on the plaintiff.

IT IS SO ORDERED.

Dated: April 15, 2019
Albany, New York


Christian F. Hummel
U.S. Magistrate Judge