

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
ROBERT DEREK LURCH JR.,

Plaintiff,

-against-

M.D. FRANCE CHAPUT, R.N. MARIA
MARQUEZ, and NYPD OFFICERS (4),

Defendants.

ANALISA TORRES, District Judge:

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16 Civ. 2517 (AT)

ORDER

On October 13, 2021, the Court issued an order directing Plaintiff *pro se*, Robert Derek Lurch Jr., to show cause for why this action should not be dismissed for failure to prosecute, as Plaintiff had failed to file motion papers opposing Defendants' motion for summary judgment for over six months. ECF No. 263. The Clerk of Court mailed Plaintiff a copy of the order, but it was returned as undeliverable. Dkt. Entry 10/26/2021. On November 18, 2021, Plaintiff filed a memorandum indicating a change of address, ECF No. 264, and requesting that the Court appoint *pro bono* counsel to represent him at trial, ECF No. 265. The Court shall consider these submissions by Plaintiff as evidence that Plaintiff intends to litigate this action.

By **December 10, 2021**, Plaintiff shall file his opposition papers to Defendants' motion for summary judgment, ECF No. 257. If the Court does not receive Plaintiff's opposition by that date, it shall consider the motion for summary judgment unopposed and rule on the merits accordingly. Defendants' reply, if any, shall be filed by **December 26, 2021**.

As Defendants' motion for summary judgment remains pending and unopposed by Plaintiff, this case is not at the trial stage. Accordingly, Plaintiff's request for *pro bono* counsel is DENIED without prejudice to renewal once this matter is trial-ready.

The Clerk of Court is directed to mail a copy of this order to Plaintiff *pro se*.

SO ORDERED.

Dated: November 19, 2021
New York, New York



ANALISA TORRES
United States District Judge