

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

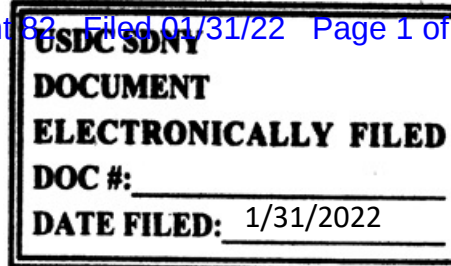
DANIEL MOORE,

Plaintiff,

-against-

NYC HEALTH HOSPITAL, et al.,

Defendants.



1-18-CV-0496 (JPO) (KHP)

ORDER

KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE.

A case management conference was scheduled for January 31, 2022 at 12:00 p.m. According to the jail where Plaintiff is currently residing, they did not have the conference on the schedule. Accordingly, the Court does not hold Plaintiff responsible for the non-appearance. The purpose of the conference was to discuss a time frame for Plaintiff to file a request for a default judgment.

Plaintiff filed his complaint on January 18, 2018, and Defendant Jones has failed to plead or otherwise answer in this case. The docket shows that on March 23, 2021, Defendant Jones was served the summons and complaint by the U.S. Marshalls at his residence. (ECF No. 68.) The City of New York Law Department made numerous attempts to contact Defendant Jones by letter, phone number, or email, without success. (ECF Nos. 75, 78.) The City of New York Law Department does not represent Defendant Correction Officer Jones.

At the last case management conference on September 16, 2021, Plaintiff requested permission to move for default against Defendant Correction Officer Jones. Insofar as it is clear Jones has not appeared to defend, I respectfully request that the Clerk of Court issue a Certificate of Default against Defendant Jones.

To the extent that Plaintiff wants the Court to issue a default judgment, he shall file a letter motion to the Court requesting a default judgment based on the allegations in the Complaint. Additionally, for any damages to be awarded, Plaintiff must include proof of damages with his request. Such proof could include medical records related to pain and suffering for the period that Plaintiff went without a shoe lift and/or the period of time for which Plaintiff was prescribed a cane. Plaintiff shall file this motion by April 1, 2022.

The Clerk of Court is directed to mail a copy of this Order to CO Jones at 277 W. 19th Street, Deer Park, New York 11729.

The Clerk of the Court is directed to mail a copy of this order to the plaintiff.

Dated: January 31, 2022
New York, New York

SO ORDERED.



KATHARINE H. PARKER
United States Magistrate Judge