

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TOWAKI KOMATSU,

Plaintiff,

-v.-

THE CITY OF NEW YORK, et al.,

Defendants.

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ORDER

18 Civ. 3698 (LGS) (GWG)

GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

As explained in detail in a Report and Recommendation issued on May 28, 2021 (Docket # 583), plaintiff in this matter has repeatedly violated Court orders regarding filings he is permitted to make in this case.

In an Order dated July 23, 2021 (Docket # 615) (“the July 23 Order”), the Court noted that plaintiff had continued to make a number of filings that violated previous Court orders. The July 23 Order directed plaintiff to “make no further filings of any kind in this case until Judge Schofield issues a ruling on the Report and Recommendation.” *Id.* The Order warned plaintiff that if he “violates this order or any other order, . . . he may be sanctioned further in this case, including potentially through a directive to the Clerk that the Clerk accept no filings from plaintiff in this case.” *Id.*

Notwithstanding the clear language of the July 23 Order, plaintiff has now violated the July 23 Order on at least four separate occasions as reflected in the letters filed as Docket ## 616-19. Those letters themselves are in violation of previous Court orders as well. *See, e.g.*, Memorandum Endorsement, filed April 12, 2021 (Docket # 542) (ordering plaintiff to “make no further applications except as they relate to” a sanction motion and order to show cause).

The Court can think of no step that can be taken that will ensure plaintiff’s compliance with the Court’s orders, including the July 23 Order, other than by issuing a directive to the Clerk to reject further filings in this case.

Accordingly, until Judge Schofield issues a ruling on the Report and Recommendation (Docket # 583), the Clerk is directed to accept no further filings in this case from plaintiff except for (1) an objection (that is, only one objection) to this Order under Rule 72 of the Federal Rules of Civil Procedure; and/or (2) a notice of appeal of this Order and/or a notice of appeal of any

ruling on an objection to this Order.¹ Any other document transmitted by plaintiff may be discarded.

The Clerk is requested to mail a copy of this Order to plaintiff.

Dated: August 9, 2021
New York, New York



GABRIEL W. CORENSTEIN
United States Magistrate Judge

¹ The Court believes that this Order (or any order by Judge Schofield ruling on an objection to this Order) is not in fact an appealable order. Nonetheless, in the exercise of caution, the Court will not prevent the filing of a notice of appeal.