

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>11/12/2020</u>
--

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X	:	
	:	
ITOFFEE R. GAYLE,	:	
	:	
Plaintiff,	:	
	:	18-CV-3774 (JPC)
-v-	:	
	:	<u>ORDER</u>
DAVID S. ALLEE and MORGAN LEHMAN	:	
GALLERY,	:	
	:	
Defendants.	:	
	:	
-----X		

JOHN P. CRONAN, United States District Judge:

Plaintiff Itoffee Gayle, proceeding *pro se*, filed an amended complaint on July 14, 2020. (Dkt. 55.) Defendants moved to dismiss the amended complaint on July 28, 2020. (Dkt. 56.) On September 25, 2020, after the parties had submitted their briefing on the motion to dismiss, Judge Abrams issued an order notifying the parties that “the Court has been advised that pro bono counsel seeks to represent Gayle in connection with Defendants’ motion to dismiss, so long as the briefing on that motion is reopened.” (Dkt. 63.) Accordingly, the Court ordered that Gayle would have 60 days from counsel’s filing of a notice of appearance to supplement his briefing in opposition to Defendants’ motion to dismiss. (*Id.*) However, it notified the parties that, “[i]n the event that counsel has not filed a notice of appearance by October 30, 2020, the motion pending at Dkt. 56 will be deemed fully briefed.” (*Id.*) On October 13, 2020, after this case was reassigned to the undersigned, the Court issued an order stating that it would issue further guidance regarding the pending motion to dismiss in due course. (Dtk. 64.)


Because pro bono counsel did not appear in this case to represent Gayle in connection with

Defendants' motion to dismiss by the October 30, 2020 deadline, the Court deems the motion to dismiss fully briefed, and will issue an opinion based on the parties previously filed submissions in due course.

The Clerk of the Court is respectfully directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: November 12, 2020
New York, New York



JOHN P. CRONAN
United States District Judge