

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

REUBEN AVENT,

Plaintiff,

-against-

P.O. ESTERVEZ, et al.,

Defendants.

20-CV-1197 (CM)

ORDER

COLLEEN MCMAHON, Chief United States District Judge:

Plaintiff Reuben Avent was not a prisoner when he filed this action, but on March 10, 2020, he notified the Court of his new mailing address at the Otis Bantum Correctional Center on Rikers Island. (ECF No. 5). Public records of the New York City Department of Correction (DOC) reflect, however, that on March 16, 2020, Plaintiff was released from DOC custody.

It is Plaintiff's obligation to provide the Court with an address for mail service, *see* Fed. R. Civ. P. 11(a), but he has not done so. The Court therefore directs Plaintiff, within thirty days, to provide the Court with his new mailing address. The Court will dismiss this action without prejudice if Plaintiff fails to provide the Court with an address for service.

In light of the outbreak of COVID-19 (coronavirus), the efforts to prevent its further spread, and the restrictions ordered by the Governor of New York, the Court's normal process for mailing court orders and other court notices to *pro se* parties will be delayed. The process for opening, scanning, and docketing mail will also be delayed.

Plaintiff is encouraged, if possible, to consent to receiving notices of electronic case filings (NEF) electronically, through notifications from the Court's Electronic Case Filing (ECF) system sent to his email address. This would allow the Court to provide Plaintiff with NEFs more quickly and reliably. Plaintiff will also electronically receive documents filed by other

parties. If Plaintiff consents to receive filings electronically, Plaintiff will no longer receive the same documents in the mail.

If Plaintiff wishes to consent to electronic service, Plaintiff should fill out the Consent & Registration Form to Receive Documents Electronically, which is available at <https://nysd.uscourts.gov/sites/default/files/2018-06/proseconsentecfnotice-final.pdf> and also attached to this Order, and return the signed form in PDF format to [Temporary\\_Pro\\_Se\\_Filing@nysd.uscourts.gov](mailto:Temporary_Pro_Se_Filing@nysd.uscourts.gov).

Plaintiff may also wish to submit documents for filing by emailing documents to the Clerk's Office instead of mailing them. Plaintiff may do that using the same [Temporary\\_Pro\\_Se\\_Filing@nysd.uscourts.gov](mailto:Temporary_Pro_Se_Filing@nysd.uscourts.gov) email address.

#### **CONCLUSION**

The Clerk of Court is directed to mail a copy of this order to Plaintiff at his address of record and at his prior address: 2363 Adam Clayton Powell Jr. Blvd Apt. 5J New York, NY 10030.

It is Plaintiff's obligation to provide the Court with an address for mail service, *see* Fed. R. Civ. P. 11(a), and he has not provided an address where he can be served. The Court therefore directs Plaintiff, within thirty days, to provide the Court with his new mailing address. The Court will dismiss this action without prejudice if Plaintiff fails to provide the Court with an address for service.

If Plaintiff wishes to consent to electronic service, Plaintiff should fill out the Consent & Registration Form to Receive Documents Electronically, a copy of which is attached to this order.

SO ORDERED.

Dated: April 16, 2020  
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon". The signature is written in a cursive style and is positioned above a horizontal line.

COLLEEN McMAHON

Chief United States District Judge



**United States District Court  
Southern District of New York**

## **Pro Se (Nonprisoner) Consent to Receive Documents Electronically**

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER<sup>1</sup> at [www.pacer.uscourts.gov](http://www.pacer.uscourts.gov) or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one “free look” at the document by clicking on the hyperlinked document number in the e-mail.<sup>2</sup> Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first “free look” or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the “free look” to avoid future charges.*

### **IMPORTANT NOTICE**

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court’s Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your “free look” and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.<sup>3</sup>

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<sup>1</sup> Public Access to Court Electronic Records (PACER) ([www.pacer.uscourts.gov](http://www.pacer.uscourts.gov)) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

<sup>2</sup> You must review the Court’s actual order, decree, or judgment and not rely on the description in the email notice alone. See ECF Rule 4.3

<sup>3</sup> The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk’s Office at the Court.

## CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

### Civil case(s) filed in the Southern District of New York:

**Note:** This consent will apply to all cases that you have filed in this court, so please list all of your pending and terminated cases. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

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Name (Last, First, MI)

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Address

City

State

Zip Code

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Telephone Number

E-mail Address

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Date

Signature

### Return completed form to:

Pro Se Intake Unit (Room 200)  
500 Pearl Street  
New York, NY 10007