

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DURVEN CARL DAWES,

Plaintiff,

-against-

NEW YORK CITY HOUSING AUTHORITY,
ET AL.,

Defendants.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 4-26-21

20-CV-1417 (JGK)

ORDER

JOHN G. KOELTL, District Judge:

On February 25, 2021, the plaintiff filed a second amended complaint ("SAC"), which included some of the defendants omitted from the amended complaint, omitted other previously-named defendants, and added several new defendants. ECF No. 18. The Court ordered the Marshals Service to effect service on the new defendants. ECF No. 19.

In letter dated April 23, 2021, the counsel for the New York City Housing Authority ("NYCHA") brought several issues to the Court's attention. First, the letter inquired as to the status of the five defendants not named in the SAC. Second, the letter notified the Court that seven of the defendants named in the SAC are no longer NYCHA employees. Third, the letter requested that all responses be stayed until all defendants in the action, most of whom will likely be represented by counsel for NYCHA, are served.

A pro se litigant is entitled under Valentin v. Dinkins, to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). Accordingly, NYCHA is ordered to provide the Court with the last known addresses for all defendants who are former employees of NYCHA—Lynette Hill, Binal Jones, Anita Lal, Shola Olatoye, Paul Sebastian, Mr. Smith, and Mohammed Zubair—by **May 10, 2021**. Once NYCHA has provided the Court with addresses for those defendants, the Court will issue an order directing the Clerk of Court to complete the USM-285 forms with the last known addresses for those defendants and to deliver all documents necessary to effect service to the United States Marshals Service.

Furthermore, the defendants Yelena Kogan, NYCHA, Carol Barnette, Uwa Omoho, and John Resi are dismissed from the case. The plaintiff was instructed twice that any amended complaint will replace, and not supplement, prior complaints, and therefore to include all defendants and all claims in any amended complaint. Accordingly, the failure to include these defendants in the SAC after these warnings warrants the dismissal of the defendants who were not named by the plaintiff. The defendants Karen Moye and Diana Fong (misspelled as "Dina Fung," according to the NYCHA letter) were named in the SAC and therefore they remain as defendants in the case. The Clerk is

directed to correct the docket to reinstate "Diana Fong" and to terminate "Dina Fung."

Finally, the case is stayed until all defendants are served or waive service but the defendants will provide the Court with a status update by **June 10, 2021**.

CONCLUSION

NYCHA is ordered to provide the Court with the last known addresses for all defendants who are former employees of NYCHA—Lynette Hill, Binal Jones, Anita Lal, Shola Olatoye, Paul Sebastian, Mr. Smith, and Mohammed Zubair—by **May 10, 2021**.

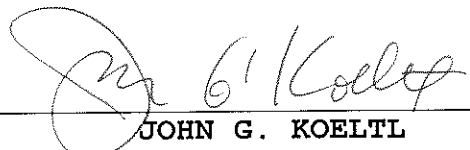
The Court dismisses Plaintiff's claims against Yelena Kogan, NYCHA, Carol Barnette, Uwa Omoho, and John Resi.

The Clerk is directed to correct the docket to reinstate defendant "Diana Fong" and to terminate "Dina Fung."

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

SO ORDERED.

**Dated: April 26, 2021
New York, New York**



JOHN G. KOELTL
United States District Judge