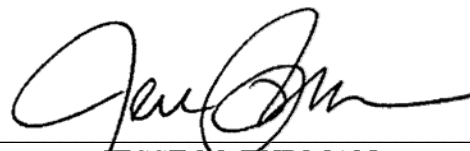


thereof, property or sources thereof, prior employment, including, without limitation, any agreements pursuant to which they are or may be entitled to payments.” ECF No. 84-1, at 1. Nothing in the orders precludes Stone from addressing the legal effects of the release that he signed, which requires consideration of no more than the release itself and Stone’s Complaint in this action. Moreover, Stone’s contention that he is hamstrung by the Illinois court’s orders is hard to take seriously given that he was able to, and did, file the Complaint in this case, not to mention a motion to proceed *in forma pauperis*. See ECF No. 19. And finally, to the extent that Stone felt he was not able to present material facts in opposition to Fisher’s motion, Rule 56 of the Federal Rules of Civil Procedure provides the sole potential way out: He could have filed an affidavit or declaration “show[ing] . . . for specified reasons” that he “cannot present facts essential to justify its opposition.” Fed. R. Civ. P. 56(d). He failed to do so.

Accordingly, Fisher’s motion for summary judgment must be and is GRANTED, and Stone’s Complaint is dismissed. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Memorandum Opinion and Order would not be taken in good faith, and *in forma pauperis* status is thus denied. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). The Clerk of Court is directed to terminate ECF No. 74 and close this case.

SO ORDERED.

Dated: September 2, 2021
New York, New York



JESSE M. FURMAN
United States District Judge