



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID MARTIN HABER,

Plaintiff,

-against-

COLLECTO, INC. d/b/a EOS CCA,

Defendant.

20-CV-6637 (AJN) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

On January 5, 2021, defendant Collecto, Inc. d/b/a EOS CCA filed its motion to dismiss plaintiff David Haber's Second Amended Complaint. (Dkt. No. 30.) Plaintiff, who is proceeding *pro se*, has previously missed several deadlines. Plaintiff is hereby reminded that **his deadline to respond to defendant's motion to dismiss is January 19, 2020**. See S.D.N.Y. Local Civ. R. 6.1(b). During the COVID-19 national emergency, a *pro se* plaintiff may file documents (at which point they will be electronically served on the defendant, see S.D.N.Y. ECF Rules 9.1, 9.2, by any of the following methods:

- a. **Drop off** the document in the drop box located in the lobby of the U.S. Courthouse at 500 Pearl Street, New York, NY, 10007.
- b. **Mail** the documents to the Pro Se Intake Unit in Room 105 in the Thurgood Marshall Courthouse, 40 Foley Square, New York, NY 10007, **in time for them to arrive on or before the deadline**.
- c. **Email** the documents to Temporary_Pro_Se_Filing@nysd.uscourts.gov. Instructions for filing documents by email are attached to this Order and may also be found on the Court's website at nysd.uscourts.gov/forms/instructions-filing-documents-email.

Any request to extend the due date for plaintiff's response to the motion to dismiss must be made **in writing** and **filed before the deadline expires**.

Plaintiff is cautioned that a failure on his part to timely respond to the motion to dismiss may result in the Court deciding the motion without considering any argument by plaintiff.

Chambers staff will mail a copy of this Order to plaintiff David Haber.

Dated: New York, New York
January 6, 2021

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses". The signature is fluid and cursive, with the first name "Barbara" and the last name "Moses" clearly distinguishable.

BARBARA MOSES
United States Magistrate Judge



United States District Court
Southern District of New York
Temporary_Pro_Se_Filing@nysd.uscourts.gov.

INSTRUCTIONS: EMAIL PRO SE FILINGS

How do I email documents to the Clerk's Office for filing?

- **SIGN.** You must sign your document by either signing the document before you scan it or typing “/s/ [Your Name].” The Court will accept typed signatures in this format.
- **CONTACT INFORMATION.** The document must include your name, address, telephone number and email address (if available).
- **SUBJECT LINE.** For existing cases, the subject line of the email must read, “Pro Se Filing – XX-CV-XXXX.” For new cases, the subject line of the email must read, “Pro Se Filing – New Case.”
- **EMAIL** the PDF document to
Temporary_Pro_Se_Filing@nysd.uscourts.gov.

Can I start a new case by email?

- **YES.** To start a new case, you may email your complaint to
Temporary_Pro_Se_Filing@nysd.uscourts.gov.
- In addition to emailing your complaint, you must either (1) email an application requesting that the fee be waived, available at <https://nysd.uscourts.gov/node/838>, or (2) pay the filing fee of \$400. If you are paying the filing fee, add to the subject line, “Pro Se Filing – New Case – FEE PAID.” Payment must be made within 21 days by certified check or money order, made out to Clerk, USDC, SDNY, and mailed to: Cashiers-Room 120, 500 Pearl Street, New York, NY 10007. The check must include the case number, which you can learn by calling (212) 805-0175.

Can I include any questions or information in my email?

- **NO.** You must only include the attached document(s) for filing. No one will read messages in the body of the email and no one will respond to any questions.

Will someone respond to my email?

- **NO.** This email address cannot respond to inquiries. The Clerk's Office will download the email attachment. This is a NO-REPLY email address. But you may call (212) 805-0175 to confirm that your documents were received. Please wait at least one week before calling.

Can I email the assigned judge instead?

- **NO.** Any submission emailed to any other court email address will be disregarded by the recipient.

Can the Clerk's Office assist with scanning?

- **NO.** If you are unable to email your documents, you must submit them by mail to the Pro Se Intake Unit.

Can someone email my documents for me?

- **YES.** But please include your email address, if available, in the document. The Court will only communicate with the email address listed on the filed documents, and only if you have consented to receive court documents by email.

Can I receive court documents by email?

- **YES.** Complete and email a signed [consent to electronic service](#) form.