

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES JACKSON,

Plaintiff,

-against-

DEPARTMENT OF CORRECTIONS;
CYNTHIA BRANN; PATSY YANG;
MARGARET EGAN,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/27/2021

20-CV-9420 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

Plaintiff James Jackson (“Plaintiff”), currently detained at the Vernon C. Bain Center (“VCBC”), brings this *pro se* action under 42 U.S.C. § 1983, alleging that Defendants are violating his federal constitutional rights by not protecting him from contracting COVID-19. Plaintiff originally filed this action with 49 other VCBC detainees on October 7, 2020. (*See* Docs. 1, 2.) On November 9, 2020, Magistrate Judge Stewart Aaron severed the plaintiffs’ claims and directed that each plaintiff’s claims be opened as a separate action. *See Lee v. Brann*, ECF 1:20-CV-8407, 7 (GBD) (SDA) (S.D.N.Y.). On November 24, 2020, Lee filed an amended complaint in *Lee v. Brann*, which Plaintiff signed. (No. 1:20-CV-8407, Doc. 14.) At Judge Aaron’s direction, the amended complaint was docketed in each of the severed actions, including the instant action. (Doc. 4; *see* No. 1:20-CV-8407, Doc. 19.)

On February 17, 2021, Chief Judge Colleen McMahon granted Plaintiff’s request to proceed in forma pauperis (“IFP”). (Doc. 10.) By order dated March 22, 2021, I noted that the amended complaint does not specify how Defendants specifically violated any of Plaintiff’s constitutional rights. (Doc. 12, at 2.) Accordingly, I granted Plaintiff leave to file a second amended complaint within sixty days, that is, by on or before April 23, 2021. (*Id.* at 7.) I

warned that if Plaintiff failed to file a second amended complaint during that time period, and did not show good cause excusing such failure, the complaint would be dismissed for failure to state a claim upon which relief may be granted. (*Id.*) To date, Plaintiff has neither filed a second amendment complaint nor supplied any explanation for his failure to do so by the April 23, 2021 deadline.

Accordingly, Plaintiff is directed to file a second amended complaint by on or before May 24, 2021. If Plaintiff fails to file a second amended complaint by this date and does not show good cause excusing such failure, Plaintiff's complaint will be dismissed for failure to state a claim upon which relief may be granted. *See Thomas v. Scully*, 943 F.2d 259, 260 (2d Cir. 1991) (a "court on its own initiative may note the inadequacy of the complaint and dismiss it for failure to state a claim as long as the procedure employed is fair") (internal quotation marks omitted).

SO ORDERED.

Dated: April 27, 2021
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, slightly slanted style. The first letter "V" is large and prominent. The signature is written over a horizontal line.

Vernon S. Broderick
United States District Judge