

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHNNY BLANDING,

Plaintiff,

-against-

COMMISSIONER CYNTHIA BRANN, *et*
al.,

Defendants.

20-CV-9421 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

By order dated November 19, 2020, the Court directed Plaintiff, within thirty days, to either submit a completed request to proceed *in forma pauperis* (“IFP”) and prisoner authorization or to pay the \$400.00 in fees that are required to bring a civil action in this Court.¹ On December 8, 2020, the order was returned to the Court with a notation on the envelope stating, “Return To Sender Not Deliverable As Addressed Unable to Forward.” Public records maintained by the New York City Department of Corrections (“DOC”) show that Plaintiff has been released to parole supervision. Plaintiff has not complied with the Court’s order, has failed to notify the Court of a change of mailing address, and has not initiated any further contact with the Court, written or otherwise. Accordingly, Plaintiff’s complaint, filed IFP pursuant to 28 U.S.C. § 1915(a)(1), is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

¹ On December 1, 2020, the filing fees required to file a federal civil action increased to \$402.00 – a \$350.00 filing fee plus a \$52.00 administrative fee. Because Plaintiff’s action was filed prior to December 1, 2020, the increased filing fees do not apply to this action.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: January 5, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge