

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHMANNI ANDUZE,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/6/2022

21-CV-0519 (PGG) (KHP)

ORDER

KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE

On April 6, 2021, the Honorable Paul G. Gardephe issued an Order of Service requesting the City of New York and the individual Defendants, except Defendant Blakemore, to waive service of the summons in this action by May 6, 2021 as Plaintiff has been granted permission to proceed *in forma pauperis*. (ECF No. 11.) On May 5, 2021, the New York City Law Department informed the Court that it “advised its client, New York City Department of Correction [], not to waive service on behalf of [the individual] defendants at this time, until after judicial review of the claims in the Complaint.” (ECF No. 16.) On August 3, 2021, this Court denied Defendant’s request for review. While acknowledging the individual Defendants have yet to be served in this action in its motion to dismiss, counsel for the City of New York requests that the Court *sua sponte* dismiss the claims asserted against the individual Defendants. (ECF No. 32.) The Court declines to do so.

Accordingly, as the City of New York has not yet waived service for the individual Defendants as requested by Judge Gardephe and service has not been otherwise effected, **by May 20, 2022**, the City of New York shall either file a waiver of service or otherwise advise the Court of its position. Upon the completion of service and appearance of counsel for the

individual Defendants, the City of New York shall also advise the Court by letter whether those Defendants seek to join the pending motion to dismiss. Any motion joining Defendants shall be filed within 30 days of this Order.

The Clerk of Court is requested to mail a copy of this order to the plaintiff.

Dated: May 6, 2022
New York, New York

SO ORDERED.



KATHARINE H. PARKER
United States Magistrate Judge