

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HASSAN BILITY,

Plaintiff,
-against-WARDEN CARTER,
N.T.C./D.O.C./V.C.B.C.; CAPTAIN
GUERRA, N.T.C./D.O.C./V.C.B.C.; CAPT.
JOHN DOE, N.T.C./D.O.C./V.C.B.C.;
CAPTAIN HORTON,
N.T.C./D.O.C./V.C.B.C.,

Defendants.

21-CV-8974 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated November 3, 2021, the Court directed Plaintiff, within thirty days, to either pay the \$402.00 in fees that are required to file a civil action in this court or submit a completed request to proceed *in forma pauperis* (IFP) and prisoner authorization. On November 16, 2021, the order was returned to the court with a notation on the envelope indicating that the mail was undeliverable to that address. Public records maintained by the New York City Department of Correction (DOC) show that Plaintiff was released from DOC custody on October 18, 2021.¹

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 See New York City Department of Correction Inmate Lookup, <https://a073-ils-web.nyc.gov/inmatelookup/pages/home/home.jsp>.

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. Coppededge 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).

The Clerk of Court is directed to mail a copy of this order to Plaintiff at his address of record and note service on the docket.

SO ORDERED.

Dated: November 17, 2021
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge