

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
ANDRE C. JONES, SR.,

Plaintiff,

-v-

WARDEN CARTER, CAPTAIN GUERRA, CAPT. JOHN
DOE, and CAPTAIN HORTON

Defendants.

CIVIL ACTION NO.: 21 Civ. 8990 (VEC) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Plaintiff Andre C. Jones, Sr., who is currently detained in the Anna M. Kross Center on Rikers Island, brings this action pro se, alleging that Defendants violated his federal constitutional rights while he was confined in the Vernon C. Bain Center in the Bronx, New York. The Honorable Valerie E. Caproni has referred this action to me for general pretrial supervision and all dispositive motions. (ECF No. 7).

On December 9, 2021, Judge Caproni directed the New York City Law Department to provide Mr. Jones with the identity and badge number of Defendant “Captain John Doe” and ordered that, “[w]ithin 30 days of receiving this information, [Mr. Jones] must file an amended complaint naming the newly identified individual as a defendant.” (ECF No. 8 (the “December 9 Order”)). The Law Department provided that information to [Mr. Jones] by letter dated February 7, 2022. (ECF No. 13). To date, Mr. Jones has not filed an amended complaint in compliance with the December 9 Order.

On March 14, 2022, Defendants filed a motion to dismiss Mr. Jones' Complaint in its entirety. (ECF No. 16 (the "Motion")). On March 15, 2022, the Court sua sponte extended Mr. Jones' deadline to oppose the Motion to April 28, 2022. (ECF No. 19 at 2). The Court warned Mr. Jones that, if he elects not to amend his Complaint, the Court is unlikely to recommend granting any future request to amend, particularly with respect to substitution of the John Doe defendant. (Id.) To date, Mr. Jones has not opposed the Motion, filed an amended complaint, or otherwise communicated with the Court.

In light Mr. Jones' pro se status, the Court will afford him one final opportunity to respond to the Motion, and orders as follows:

1. By **May 31, 2022**, Mr. Jones shall file either: (i) an amended complaint; or (ii) his opposition to Defendants' Motion. If Mr. Jones elects to file an amended complaint, the amended complaint form that he should complete is attached to this order. The Court reiterates its warning that, if Mr. Jones elects not to amend his Complaint, the Court is unlikely to recommend granting any future request to amend, particularly with respect to substitution of the John Doe defendant. See Radin v. Tun, No. 12-CV-1393 (ARR) (VMS), 2015 WL 4645255, at *24 (E.D.N.Y. Aug. 4, 2015) (noting that, in deciding whether to grant leave to amend, courts "consider whether the pro se plaintiff was already provided opportunities to amend his or her complaint"). Mr. Jones is also warned that that failure to respond will result in the Court ruling on the Motion based on Defendants' submissions alone and may result in dismissal of this action with prejudice.

2. If Mr. Jones files an opposition to the Motion, Defendants shall serve and file their reply by **June 14, 2022**.

The Court reminds Mr. Jones of his ability to seek free legal advice from the New York Legal Assistance Group's legal clinic for pro se litigants, by visiting its website at nylag.org/pro-se-clinic/ or by calling (212) 659-6190. This clinic is not part of or run by the Court and it cannot accept filings on behalf of the Court.

The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff at the address below.

Dated: New York, New York
May 9, 2022

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge

Mail to:
Andre C. Jones, Sr.
141806305
Anna M. Kross Center (AMKC)
18-18 Hazen Street
E. Elmhurst, NY 11370