

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UMAR ALLI,

Plaintiff,

-against-

G.R.V.C. WARDEN RENEE; CITY OF NEW YORK; SECURITY OFFICERS 1-5 OF G.R.V.C; COMMISSIONER OF D.O.C.; SUPERVISORY CAPTAIN OF USE OF FORCE,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1/10/2022

1:21-CV-9470 (PGG) (SN)

## ORDER OF SERVICE

SARAH NETBURN, United States Magistrate Judge:

Plaintiff Umar Alli, currently held in the North Infirmary Command on Rikers Island, brings this *pro se* action alleging that the defendants have violated his federal constitutional rights. Plaintiff seeks damages and injunctive relief, and he sues: (1) George R. Vierno Center (“GRVC”) Warden Renee; (2) the City of New York; (3) “Security Officers 1-5 of G.R.V.C.”; (4) the Commissioner of the New York City Department of Correction (“DOC”)<sup>1</sup>; and (5) “Supervisory Captain of Use of Force.” The Court construes Plaintiff’s complaint as asserting claims under 42 U.S.C. § 1983 and under state law.

By order dated December 16, 2021, the court granted Plaintiff’s request to proceed without prepayment of fees, that is, *in forma pauperis* (“IFP”).<sup>2</sup> The Court requests that the City of New York, former DOC Commissioner Vincent Schiraldi, and Warden Renee waive service of summons. The Court directs those defendants to comply with Local Civil Rule 33.2. The Court

<sup>1</sup> The Court understands Plaintiff’s naming of the DOC Commissioner as a defendant as referring to former DOC Commissioner Vincent Schiraldi.

<sup>2</sup> Prisoners are not exempt from paying the full filing fee, even when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).

also directs the New York City Law Department (“Law Department”) to provide to Plaintiff and the Court the identities and badge numbers of the unidentified defendants.

## DISCUSSION

### **A. The City of New York, former DOC Commissioner Vincent Schiraldi, and Warden Renee**

The Court directs the Clerk of Court to notify the DOC and the Law Department of this order. The Court requests that the City of New York, former DOC Commissioner Vincent Schiraldi, and GRVC Warden Renee waive service of summons.

### **B. Local Civil Rule 33.2**

Local Civil Rule 33.2, which requires defendants in certain types of prisoner cases to respond to specific, court-ordered discovery requests, applies to this action. Those discovery requests are available on the court’s website under “Forms” and are titled [“Plaintiff’s Local Civil Rule 33.2 Interrogatories and Requests for Production of Documents.”](#) Within 120 days of the date of this order, the City of New York, former DOC Commissioner Vincent Schiraldi, and Warden Renee must serve responses to those standard discovery requests. In their responses, the City of New York, former DOC Commissioner Vincent Schiraldi, and Warden Renee must quote each request verbatim.<sup>3</sup>

### **C. Unidentified defendants**

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In the complaint, Plaintiff supplies sufficient information to permit the DOC to identify the unidentified defendants. The

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<sup>3</sup> If Plaintiff would like copies of those discovery requests before receiving the responses and does not have access to the website, Plaintiff may request them from the court’s Pro Se Intake Unit.

unidentified defendants include: (1) those correction officers who got into a physical altercation with Plaintiff in the GRVC on October 3, 2021, and (2) those officers' immediate supervisor on that date (a GRVC correction captain). It is therefore ordered that the Law Department, which represents the DOC, must ascertain the identity and badge number of each unidentified defendant whom Plaintiff seeks to sue here and the address where each of those defendants may be served.<sup>4</sup> The Law Department must provide this information to Plaintiff and the Court within 60 days of the date of this order.

Within 30 days of receiving this information, Plaintiff must file an amended complaint naming the newly identified individuals as defendants. The amended complaint will replace, not supplement, the original complaint. An amended complaint form that Plaintiff should complete is attached to this order. Once Plaintiff has filed an amended complaint, the Court will screen the amended complaint and, if necessary, issue an order requesting that the newly named defendants waive service of summons.

### **CONCLUSION**

The Court directs the Clerk of Court to mail a copy of this order to Plaintiff, together with an information package.

The Court also instructs the Clerk of Court to notify the New York City Department of Correction and the New York City Law Department of this order. The Court requests that the

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<sup>4</sup> If any unidentified defendant is a current or former DOC employee or official, the Law Department should note in the response to this order that an electronic request for a waiver of service can be made under the e-service agreement for cases involving DOC defendants, rather than by personal service at a DOC facility. If any unidentified defendant is not a current or former DOC employee or official, but otherwise works or worked at a DOC facility, the Law Department must provide a residential address where each individual may be served.

City of New York, former New York City Correction Commissioner Vincent Schiraldi, and George R. Vierno Center Warden Renee waive service of summons.

The Court directs the City of New York, former Correction Commissioner Vincent Schiraldi, and Warden Renee to comply with Local Civil Rule 33.2 within 120 days of the date of this order.

The Court further directs the Clerk of Court to mail a copy of this order and a copy of the complaint to the New York City Law Department at 100 Church Street, New York, New York 10007.

An amended complaint form is attached to this order.

**SO ORDERED.**



SARAH NETBURN  
United States Magistrate Judge

Dated: January 10, 2022  
New York, New York

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Write the full name of each plaintiff.

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CV

(Include case number if one has been  
assigned)

-against-

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**AMENDED  
COMPLAINT**  
(Prisoner)

Do you want a jury trial?

Yes  No

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Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

## I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a *"Bivens"* action (against federal defendants).

Violation of my federal constitutional rights

Other: \_\_\_\_\_

## II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

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First Name

Middle Initial

Last Name

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State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

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Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

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Current Place of Detention

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Institutional Address

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County, City

State

Zip Code

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## III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

Pretrial detainee

Civilly committed detainee

Immigration detainee

Convicted and sentenced prisoner

Other: \_\_\_\_\_

#### IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

Defendant 2:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

Defendant 3:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

Defendant 4:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

## **V. STATEMENT OF CLAIM**

Place(s) of occurrence: \_\_\_\_\_

Date(s) of occurrence: \_\_\_\_\_

## FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

## INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

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## VI. RELIEF

State briefly what money damages or other relief you want the court to order.

## VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

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Dated

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Plaintiff's Signature

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First Name

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Middle Initial

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Last Name

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Prison Address

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County, City

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State

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Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: \_\_\_\_\_