



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CALVIN REED,

Plaintiff,

-against-

P.O. ANDRE LOGAN, et al.,

Defendants.

22-CV-10446 (JPC) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

During a status conference on January 18, 2024 – at which plaintiff Calvin Reed failed to appear – defendants reported that they served plaintiff with document requests and interrogatories on November 27, 2023, making plaintiff's responses due 30 days later, on December 27, 2023. *See* Fed. R. Civ. P. 33(b)(2), 34(b)(2)(A)). After the January 18 status conference, the Court issued an order reminding plaintiff that it is "his responsibility to respond within the time set by the Federal Rules of Civil Procedure" and warning that the continued failure to meet discovery deadlines could result in "substantial sanctions," including the dismissal of his case. 1/18/2024 Order (Dkt. 43) at 1-2.

On February 1, 2024, the Court held another status conference, at which plaintiff again failed to appear. *See* 2/1/24 Order (Dkt. 44) at 1.¹ Defendants reported that plaintiff still had not responded to their written discovery requests. *Id.* After the conference, the Court issued an order directing him to respond to those requests no later than March 1, 2024. *Id.* (warning that "sanctions may be imposed" for failure to comply). The Court further directed the parties to serve any

¹ Earlier that week, the Court's staff contacted plaintiff, as a courtesy, to make sure he was aware of the date and time of the conference. Additionally, defendants' counsel reported that he spoke with plaintiff in advance of the conference to remind him of the date and time. *See* 2/1/24 Order at 1. However, on the morning of the conference, plaintiff contacted the Court's Pro Se Office to report – for the first time – that he might not arrive in time due to a conflicting appointment. By 11:15, when plaintiff still had not arrived, the conference proceeded without him. *Id.*

additional written discovery requests no later than March 1, 2024, and advised the plaintiff that should he fail to serve any written discovery requests by this deadline, "he may be deemed to have waived the right to seek written discovery in this action." *Id.*

On March 5, 2024, defendants sent a letter to defendant noting that they had not received any written discovery responses, and requesting that plaintiff serve those responses "as soon as possible." (Dkt. 45-1.) On March 20, 2024, defendants informed the Court by letter (Dkt. 45) that plaintiff still had not responded to their written discovery requests. Although defendants' March 20 letter was served on plaintiff by mail (*see* Dkt. 45-2), he has not responded.

Consequently, it is hereby ORDERED that:

- (1) Plaintiff has waived his right to serve additional written discovery requests in this action.
- (2) Plaintiff shall respond to defendants' written discovery requests no later than **April 15, 2024**. *If plaintiff fails to respond to defendants' requests by this deadline, substantial sanctions may be imposed, including the dismissal of his case.*
- (3) All remaining fact discovery, including depositions, shall be completed no later than **May 15, 2024**.

NO FURTHER EXTENSIONS OF THESE DEADLINES WILL BE GRANTED ABSENT COMPELLING CIRCUMSTANCES.

Plaintiff is again reminded that it is his responsibility to respond within the time set by the Federal Rules of Civil Procedure (ordinarily 30 days) to written discovery requests from defendants. If the Court extends those deadlines – as it has now done twice in this action – it is the plaintiff's responsibility to comply with the extended deadlines set by the Court.

Plaintiff is further reminded that the Court has scheduled a status conference for **May 6, 2024, at 11:00 a.m.** in Courtroom 20A of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, which plaintiff must attend in person. *See* 2/1/24 Order, at 2. The pre-conference status letter is due no later than **April 29, 2024**. *Id.*

If plaintiff believes that compelling circumstances warrant a further extension of his discovery deadlines, or needs to postpone or reschedule a conference or other court appearance, he must first contact defendants' attorney to request defendants' consent to the extension or adjournment, and then *write to the Court* to request its approval for the extension or adjournment. Plaintiff must do these things *before* the deadline expires or the court proceeding takes place.

The Clerk of Court is respectfully directed to mail copies of this order to plaintiff at:

2111 Southern Boulevard
Apt. 17A
Bronx, NY 10460

and,

2759 Webster Ave
Bronx, NY 10458

Dated: New York, New York
March 27, 2024

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge