

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HAROLD JEAN-BAPTISTE,

Plaintiff,

-v-

UNITED STATES DEPARTMENT OF JUSTICE *et al.*,

Defendants.
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23 Civ. 1897 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

On March 3, 2023, Plaintiff Harold Jean-Baptiste filed the Complaint in this case, Dkt. 1, which he amended three days later, Dkt. 9. Upon review of the Amended Complaint, the Court concluded that it did not appear to raise any viable claims, and therefore issued an Order to Show Cause setting forth its reasons for believing that the Amended Complaint should be dismissed and requiring Plaintiff to show cause why those reasons are invalid. Dkt. 41. On April 28, 2023, he responded to the Order to Show Cause. Dkt. 42. His response did not, however, present any convincing argument why the reasons articulated in the Order to Show Cause do not require dismissal of the Amended Complaint. First, while the Court explained that his claims against Defendants United States Department of Justice, Attorney General Merrick B. Garland, Federal Bureau of Investigation, Director Christopher Wray, and U.S. Attorney Damian Williams appear to be barred by the sovereign immunity of the United States, Dkt. 41 at 7, Plaintiff’s response instead addresses the very different doctrine of qualified immunity, Dkt. 42 at 15-19. Second, while the Court explained that Plaintiff’s claims against Defendant Mayor Eric Adams were redundant of his claims against Defendant City of New York, Dkt. 41 at 8-9, Plaintiff’s response does not deny their redundancy and instead merely asserts that “[r]edundancy has no merit before

the U.S. District Court to deny a ‘Pro Se’ plaintiff from a fair judicial review,” Dkt. 42 at 11. Third, the Court explained that Plaintiff’s claims against Defendant New York Attorney General Letitia James were defective because no facts against her are alleged in the Amended Complaint, and Plaintiff’s response does not address Attorney General James at all. Therefore, for the reasons stated in the Order to Show Cause, the Court dismisses Plaintiff’s claims against all Defendants besides the City of New York. The Clerk of Court is respectfully directed to terminate each as a Defendant in this action.

In addition, while the Court explained that Plaintiff had failed to show standing to assert a Second Amendment claim against the City of New York because his Amended Complaint failed to allege that he had suffered an injury in fact, Dkt. 41 at 9-11, Plaintiff’s response appears to indicate that after the Amended Complaint was filed, he had additional interactions with the New York Police Department related to his handgun license application, Dkt. 42 at 5-7. Thus, while the Court dismisses the claims brought in the Amended Complaint against the City of New York, Plaintiff is therefore granted leave to file a second amended complaint against the City of New York by June 19, 2023. He is cautioned, however, that he should amend the Amended Complaint only if he is able to allege that the City of New York has caused him injury in fact by denying or otherwise refusing to process his application for a handgun license and that the injury gave rise to a viable federal claim. If Plaintiff fails to file a second amended complaint by June 19, 2023 and does not show good cause for the failure to do so, the Court will close the case.

SO ORDERED.

Dated: May 18, 2023
New York, New York



JOHN P. CRONAN
United States District Judge