

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAMES PETTUS,

Plaintiff,

-against-

ADA RANDOLPH CLARK JR., et al.,

Defendants.

1:25-CV-1451 (LTS)

ORDER OF DISMISSAL  
UNDER 28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff James Pettus, who is not currently incarcerated, filed this action *pro se*, seeking to proceed *in forma pauperis* (“IFP”).<sup>1</sup> In a judgment dated February 4, 2005, and entered on February 24, 2005, however, the court barred Plaintiff, when not a prisoner, from filing future civil actions in this court without first obtaining from the court leave to file.<sup>2</sup> *See Pettus v. Clarke*, 1:05-CV-1439, 5 (MBM) (S.D.N.Y. Feb. 4, 2005) (electronic docket entry), *appeal dismissed as frivolous*, No. 05-1314 (2d Cir. Sept. 29, 2005) (same). Plaintiff files this new civil action in this court and seeks IFP status, but he has not sought leave from the court to file this action. The Court therefore dismisses this action without prejudice due to Plaintiff’s failure to comply with the court’s February 4, 2005 judgment in *Pettus*, 1:05-CV-1439, 5. All pending requests and motions are denied.

The Court certifies, pursuant to 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. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

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<sup>1</sup> The Court construes Plaintiff’s submissions filed after his complaint and IFP application (ECF 4 & 5) as supplements to his complaint.

<sup>2</sup> That same judgment recognized Plaintiff as barred, under 28 U.S.C. § 1915(g), from filing federal civil actions IFP, while he is a prisoner, unless he is under imminent danger of serious physical injury.

The Court directs the Clerk of Court to enter a judgment dismissing this action for the reason set forth in this order.

SO ORDERED.

Dated: March 10, 2025  
New York, New York

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
Chief United States District Judge