

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEVIN THOMPSON,

Plaintiff,

-against-

SGT. BOOTH, C.O., et al.,

Defendant.

ORDER

16-CV-03477 (PMH)

PHILIP M. HALPERN, United States District Judge:

This Court, on March 29, 2022, issued a final judgment awarding Plaintiff \$50,000 in compensatory damages. (Doc. 225). Defendant, on March 30, 2022, filed a motion to vacate that judgment under Fed. R. Civ. P. 55(c) and 60(b). (Doc. 227). Plaintiff, through *pro bono* counsel, filed a response to that motion on April 7, 2022. (Doc. 230). In that same response letter, *pro bono* counsel informed the Court that the issuance of the final judgment concluded its limited-scope representation of Plaintiff. (*Id.*). Plaintiff filed a notice of *pro se* appearance on April 19, 2022 (Doc. 231), wrote letters to the Court on April 21, 2022 and April 28, 2022 seeking appointment of new *pro bono* counsel (Docs. 232 and 234), and on May 6, 2022, filed a formal application requesting *pro bono* counsel (Doc. 239).

On April 28, 2022, however, Defendant filed a notice of appeal to the U.S. Court of Appeals for the Second Circuit. (Doc. 236). On May 12, 2022, this Court denied Defendant's motion to vacate the final judgment, thus concluding all active proceedings at the District Court level. (Doc. 240). Therefore, Plaintiff's requests for *pro bono* counsel are DENIED AS MOOT. To the extent Plaintiff seeks the appointment of *pro bono* counsel on appeal, that request is denied without prejudice to renew in the appropriate forum, as that application must be made to the U.S. Court of Appeals for the Second Circuit.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 239 and mail a copy of this Order to the *pro se* Plaintiff and a copy to the *pro se* Defendant Troy Booth at 19920 Foxwood Forest Blvd. Apt. 1208, Humble, TX 77338.

SO ORDERED:

Dated: White Plains, New York
May 12, 2022



PHILIP M. HALPERN
United States District Judge