

USDC SDNY
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MEMORANDUM ENDORSEMENT

White v. Gutwein et al., 20-cv-04532 (NSR)

On July 28, 2022, the Court issued an Opinion and Order granting Defendants' motion to dismiss while also granting Plaintiff leave to amend and replead any claims that were dismissed without prejudice. (ECF No. 43.) The Court allowed Plaintiff until September 14, 2022 to file an Amended Complaint consistent with the Opinion and Order. The Court expressly warned that failure to timely file an Amended Complaint or otherwise "show good cause to excuse such a failure" would result in "the claims dismissed without prejudice" being "deemed dismissed with prejudice."

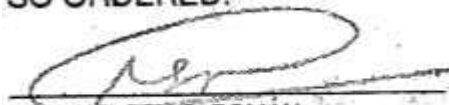
In a letter dated August 12, 2022 and received by the Court on September 6, 2022, Plaintiff requested an extension of time to file an Amended Complaint. (ECF No. 44.) On September 13, 2022, the Court granted a "FINAL extension" of time, (ECF No. 45) allowing Plaintiff an additional thirty (30) days—until October 14, 2022—to file an Amended Complaint. The Court added that "[n]o further extensions will be entertained by the Court." As of October 17, 2022, Plaintiff is yet to file an Amended Complaint or otherwise "show good cause to excuse such a failure."

As a result of Plaintiff's failure to timely file an Amended Complaint, those claims previously dismissed without prejudice are now deemed dismissed with prejudice. Accordingly, the Clerk of Court is respectfully directed to terminate the action. The Clerk of Court is further directed to mail a copy of this Endorsement to *pro se* Plaintiff at his address listed on ECF and to show service on the docket.

DATED: October 17, 2022

White Plains, NY

SO ORDERED:



HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE