

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANIEL CLAY,

Plaintiff,

v.

ORDER

20-CV-07692 (PMH)

SERGEANT JOHN DOE, et al.,

Defendants.

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PHILIP M. HALPERN, United States District Judge:

This Court expressly provided Plaintiff with three opportunities to amend his complaint to name the John Doe defendants that he wishes to sue, prior to issuance of an Order to Show Cause why this case should not be dismissed under Federal Rule of Civil Procedure 41(b). (*See* Docs. 7, 11, 13, 14). By letter dated September 24, 2021, the return date of the Order to Show Cause (Doc. 14), Plaintiff requested that the Court refrain from dismissing his case for want of prosecution (Doc. 15). Plaintiff did not submit an amended complaint or otherwise name the John Doe defendants he wishes to sue.

By order dated October 4, 2021, the Court directed Plaintiff to file an amended complaint by November 8, 2021. (Doc. 16). That order, like the Court's prior orders, specified that failure to comply would result in dismissal of the complaint. Plaintiff, to date, has not filed an amended complaint. Accordingly, the complaint, filed *in forma pauperis* (IFP) under 28 U.S.C. § 1915(a)(1), is dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. 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 IFP 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 Court is respectfully requested to mail a copy of this Order to Plaintiff.

Dated: White Plains, New York
November 17, 2021

SO ORDERED:



Philip M. Halpern
United States District Judge