

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TYRONE HOUSTON, a/k/a
TYRONE BLACK,

Plaintiff,

Case # 13-CV-6594-FPG

v.

DECISION AND ORDER

MICHAEL SHEAHAN, et al.,

Defendants.

Pro se Plaintiff Tyrone Houston is an inmate in the custody of the New York State Department of Corrections and Community Supervision (“DOCCS”), and brings this lawsuit against several DOCCS employees, alleging that his Constitutional rights were violated.

The Defendants have moved to revoke the Plaintiff’s *in forma pauperis* status in this case, arguing that he accumulated three strikes prior to commencing this action. ECF No. 26. In response, the Plaintiff filed a written opposition, ECF No. 28, in which he opposed the application on the merits, and summarily requested that the Court “Grant him a Direct [sic] Verdict and Summary Judgment, on all claims.” *Id.* In addition, the Plaintiff later paid the \$350.00 filing fee for this action. *See* unnumbered docket entry, dated July 22, 2015.

Since the filing fee has now been paid, the Defendant’s motion to revoke the Plaintiff’s *in forma pauperis* status (ECF No. 26) is DENIED AS MOOT. In addition, the Plaintiff’s Motion for a directed verdict and summary judgment (ECF No. 28), which is unsupported and consists only of one sentence within the Plaintiff’s opposition papers, is DENIED.

The Plaintiff has also filed a Motion (ECF No. 36), requesting that he be placed in a single cell and be transferred closer to New York City. The Plaintiff seeks this relief as a result of an alleged incident that took place in August 2014. There does not appear to be any

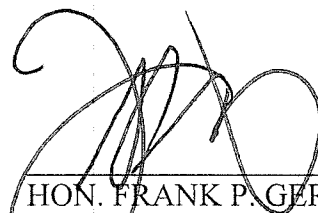
connection between the allegations of the Complaint (filed in 2013) and the alleged August 2014 incident, which is required for this Court to entertain the application. *See, e.g., Perkins v. Napoli*, No. 09-CV-6302 CJS, 2011 WL 6148988, at *4 (W.D.N.Y. Dec. 12, 2011) (“[T]o prevail on a motion for preliminary injunctive relief, the moving party must establish a relationship between the injury claimed in the motion and the conduct giving rise to the complaint.”). In addition, there is no basis for this Court to order the relief that Plaintiff requests, since “it is well settled that a prisoner has no constitutional right to serve a sentence in any particular institution.” *Fisher v. Goord*, 981 F.Supp. 140, 176 (W.D.N.Y. 1997). As a result, the Plaintiff’s Motion to be transferred to a different housing facility (ECF No. 36) is DENIED.

CONCLUSION

For the foregoing reasons, the Defendant’s Motion to revoke the Plaintiff’s *in forma pauperis* status in this case (ECF No. 26) is DENIED AS MOOT, the Plaintiff’s Motion for a directed verdict and summary judgment (ECF No. 28) is DENIED, and the Plaintiff’s Motion to be transferred to a different housing facility (ECF No. 36) is DENIED.

IT IS SO ORDERED.

Dated: August 14, 2015
Rochester, New York



HON. FRANK P. GERACI, JR.
Chief Judge
United States District Court