

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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PAUL STEPHANSKI,

Plaintiff,

v.

9:18-CV-0076  
(BKS/CFH)

RANDY ALLEN, et al.,

Defendants.

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APPEARANCES:

PAUL STEPHANSKI  
Plaintiff, pro se  
547 Joseph Avenue  
Rochester, NY 14605

BRENDA K. SANNES  
United States District Judge

**DECISION and ORDER**

Pro se plaintiff Paul Stephanski ("Plaintiff") commenced this action by filing a Complaint pursuant to 42 U.S.C. § 1983. Dkt. No. 1 ("Compl."). On January 18, 2018, the Court administratively closed the matter due to Plaintiff's failure to comply with the filing fee requirements. Dkt. No. 4 (the "January Order"). The Court directed Plaintiff to either (1) pay the full \$400.00 filing fee for civil actions or (2) submit a completed and signed IFP Application that has been certified by an appropriate official at his facility. *Id.* On February 9, 2018, Plaintiff filed a letter motion seeking a sixty-day extension of time to pay the filing fee and a notice of change of address. Dkt. No. 5. Plaintiff also requests courtesy copies of his Complaint and exhibits. *See id.*

On January 18, 2018, when Plaintiff commenced this action, he was confined to the

custody of the New York State Department of Corrections and Community Supervision ("DOCCS") at Mid-State Correctional Facility. See Compl. at 1. On February 9, 2018, Plaintiff filed a Change of Address and notified the Clerk of the Court of his current address. Dkt. No. 5. A review of the DOCCS' website indicates that Plaintiff was released from DOCCS' custody on January 24, 2018.<sup>1</sup>

Accordingly, if Plaintiff wishes to proceed with this action, he must within thirty (30) days **either** (1) pay the filing fee of \$400.00 in full,<sup>2</sup> **or** (2) submit a signed IFP Application outlining his current financial condition and demonstrating economic need. Upon Plaintiff's timely compliance with this Decision and Order, the Clerk shall return the file to the Court for consideration of any IFP application and, if appropriate, review of the Complaint.<sup>3</sup> Plaintiff is advised that his failure to timely comply with this Decision and Order will result in the dismissal of this action without prejudice, without further order of the Court.

**WHEREFORE**, it is hereby

**ORDERED** that Plaintiff's motion (Dkt. No. 5) is **GRANTED**; and it is further

**ORDERED** that, in the event Plaintiff wishes to proceed with this action he must, **within THIRTY (30) DAYS** of the filing date of this Decision and Order, **either** (1) pay the statutory filing fee of \$400.00 in full **or** (2) submit an IFP Application outlining his current

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<sup>1</sup> According to the DOCCS' website, Plaintiff was discharged from DOCCS' custody to parole supervision on January 24, 2018. See N.Y. DOCCS Inmate Locator Website, available at <http://www.doccs.ny.gov/> (information for inmate Paul Stephanski, DIN #99B2439) (last visited February 12, 2018).

<sup>2</sup> The total cost for filing a civil action in this court is \$400.00 (consisting of the civil filing fee of \$350.00, see 28 U.S.C. § 1914(a), and an administrative fee of \$50.00).

<sup>3</sup> Until such time as Plaintiff either pays the full filing fee, or otherwise complies with this Decision and Order, review of the Complaint would be premature. Upon compliance, the Complaint will be subject to review under 28 U.S.C. § 1915(e) and/or 28 U.S.C. § 1915A.

financial condition and demonstrating economic need; and it is further

**ORDERED** that, upon Plaintiff's timely compliance with this Decision and Order, the Clerk shall return the file to the Court for further review; and it is further

**ORDERED** that, if Plaintiff does not timely comply with this Decision and Order, the Clerk shall enter judgment indicating that this action is **DISMISSED without prejudice without further order of this Court**; and it is further

**ORDERED** that the Clerk shall serve a copy of this Decision and Order on Plaintiff, together with a blank Application to Proceed In Forma Pauperis and a courtesy copy of the Complaint and exhibits (Dkt. No. 1).

Dated: February 12, 2018



**Brenda K. Sannes**  
U.S. District Judge