

# MANDATE

D. Conn.  
20-cv-1751  
Underhill, C.J.

## United States Court of Appeals FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 22<sup>nd</sup> day of September, two thousand twenty-one.

Present:

Richard C. Wesley,  
Richard J. Sullivan,  
*Circuit Judges,*  
John G. Koeltl,  
*District Judge.\**

Terrell Staton,

*Plaintiff-Appellant,*

v.

21-463

Ned Lamont,

*Defendant-Appellee.*

Appellant, pro se, moves for in forma pauperis status, appointment of counsel, and other relief. Upon due consideration, it is hereby ORDERED that the motions are DENIED and the appeal is DISMISSED because it "lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see also* 28 U.S.C. § 1915(e).

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

*Catherine O'Hagan Wolfe*

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

*Catherine O'Hagan Wolfe*

\* Judge John G. Koeltl, of the United States District Court for the Southern District of New York, sitting by designation.

MANDATE ISSUED ON 12/07/2021

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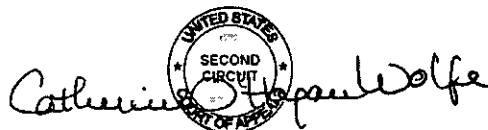
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FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk of Court

A circular court seal for the United States Second Circuit Court of Appeals is stamped over the signature. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS". The signature "Catherine O'Hagan Wolfe" is written in cursive across the seal.

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\* Judge John G. Koeltl, of the United States District Court for the Southern District of New York, sitting by designation.

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

TERRELL STATON,  
Plaintiff,

v.

NED LAMONT,  
Defendant.

Case No. 3:20-cv-1751 (SRU)

**ORDER OF DISMISSAL**

Terrell Staton, currently confined at Carl Robinson Correctional Institution, filed the instant case without tendering the filing fee or seeking to proceed *in forma pauperis*. On November 23, 2020, Judge William I. Garfinkel issued a notice of insufficiency, informing Staton that he must submit the \$400 filing fee or a motion to proceed *in forma pauperis*. See Doc. No. 5. The notice advised Staton that the case would be dismissed if he did not correct the deficiency by December 14, 2020. *Id.*

Because the deadline has now passed and Staton has not responded to the notice, nor has he sought an extension of time to do so, the case is **DISMISSED** without prejudice. Staton may file a motion to reopen judgment that is accompanied by a completed application to proceed *in forma pauperis* or the filing fee. Any motion to reopen judgment shall be filed within twenty days from the date of this order. The Clerk is directed to close the case.

So ordered.

Dated at Bridgeport, Connecticut, this 19th day of January 2021.

/s/ STEFAN R. UNDERHILL  
Stefan R. Underhill  
United States District Judge

**Additional material  
from this filing is  
available in the  
Clerk's Office.**