

General Docket
Court of Appeals, 2nd Circuit

Court of Appeals Docket #: 22-1198

Docketed: 05/27/2022

Nature of Suit: 3440 CIVIL RIGHTS-Other

El-Bey v. Cubesmart Self Storage

Appeal From: SDNY (NEW YORK CITY)

Fee Status: IFP Pending in USCA

Case Type Information:

- 1) Civil
- 2) Private
- 3) -

Originating Court Information:

District: 0208-1 : 20-cv-521

Trial Judge: Gregory Woods, U.S. District Judge

Date Filed: 01/17/2020

Date Order/Judgment:

04/22/2022

Date Order/Judgment EOD:

04/22/2022

Date NOA Filed:

05/24/2022

Date Rec'd COA:

05/27/2022

Prior Cases:

None

Current Cases:

None

Panel Assignment: Not available

Prinyah Godiah Nmiaa Pa El-Bey
Plaintiff – Appellant

Prinyah Godiah Nmiaa Pa El-Bey, –
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[NTC Pro Se]
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Cubesmart Self Storage
Defendant – Appellee

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[COR LD NTC Retained]
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Defendant – Appellee

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Cubesmart Corp.
Defendant – Appellee

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(see above)

22-1198 El-Bey v. Cubesmart Self Storage

Prinyah Godiah Nmiaa Pa El-Bey,

Plaintiff – Appellant,

v.

Cubesmart Self Storage, Cubesmart Store 0558, Cubesmart Corp.,

Defendants – Appellees.

05/27/2022	<u>1</u>	NOTICE OF CIVIL APPEAL, with district court docket, on behalf of Appellant Prinyah Godiah Nmiaa Pa El-Bey, FILED. [3325803] [22-1198] [Entered: 06/02/2022 03:53 PM]
05/27/2022	<u>2</u>	DISTRICT COURT ORDER, dated 04/22/2022, RECEIVED.[3325811] [22-1198] [Entered: 06/02/2022 03:58 PM]
05/27/2022	<u>3</u>	ELECTRONIC INDEX, in lieu of record, FILED.[3325812] [22-1198] [Entered: 06/02/2022 03:59 PM]
06/02/2022	<u>4</u>	NON-ADMITTED ATTORNEY, Attorney Johan Alexander Obregon, Esq. for Appellee Cubesmart Self Storage, Cubesmart Store 0558 and Cubesmart Corp., orally informed to apply for admission forthwith and submit Addendum A to Notice of Appearance, NOTIFIED.[3325813] [22-1198] [Entered: 06/02/2022 04:02 PM]
06/02/2022	<u>7</u>	INSTRUCTIONAL FORMS, to Pro Se litigant Prinyah Godiah Nmiaa Paynes El-Bey, SENT.[3325822] [22-1198] [Entered: 06/02/2022 04:08 PM]
06/10/2022	<u>8</u>	FORM D-P, on behalf of Appellant Prinyah Godiah Nmiaa Pa El-Bey, FILED. No service. [3332639] [22-1198] [Entered: 06/14/2022 03:46 PM]
06/10/2022	<u>9</u>	ACKNOWLEDGMENT AND NOTICE OF APPEARANCE FORM, on behalf of Party Prinyah Godiah Nmiaa Pa El-Bey, FILED. No service.[3332728] [22-1198] [Entered: 06/14/2022 05:26 PM]
06/15/2022	<u>10</u>	DEFECTIVE DOCUMENT, Form D-P, [8], on behalf of Appellant Prinyah Godiah Nmiaa Pa El-Bey, copy to pro se appellant, FILED.[3332838] [22-1198] [Entered: 06/15/2022 09:28 AM]
06/15/2022	<u>11</u>	DEFECTIVE DOCUMENT, Acknowledgment and Notice of Appearance, [9], on behalf of Appellant Prinyah Godiah Nmiaa Pa El-Bey, copy to pro se appellant, FILED.[3332874] [22-1198] [Entered: 06/15/2022 09:53 AM]
06/15/2022	<u>12</u>	ORDER, dated 06/15/2022, dismissing appeal by 07/06/2022, unless Appellant Prinyah Godiah Nmiaa Paynes El-Bey, submits fee or moves for in forma pauperis, copy to pro se appellant, FILED.[3332885] [22-1198] [Entered: 06/15/2022 10:08 AM]
06/21/2022	<u>13</u>	NOTICE, to Appellee Cubesmart Corp., Cubesmart Self Storage and Cubesmart Store 0558, for failure to file an appearance, SENT.[3335829] [22-1198] [Entered: 06/21/2022 04:41 PM]
06/23/2022	<u>14</u>	NOTICE OF APPEARANCE AS SUBSTITUTE COUNSEL, on behalf of Appellee Cubesmart Corp., Cubesmart Self Storage and Cubesmart Store 0558, FILED. Service date 06/23/2022 by CM/ECF. [3337105] [22-1198] [Entered: 06/23/2022 11:49 AM]
06/27/2022	<u>15</u>	DEFECTIVE DOCUMENT, Notice of Appearance as Substitute Counsel, [14], on behalf of Appellee Cubesmart Corp., Cubesmart Self Storage and Cubesmart Store 0558, FILED.[3338538] [22-1198] [Entered: 06/27/2022 01:26 PM]
06/30/2022	<u>16</u>	NOTICE OF APPEARANCE AS SUBSTITUTE COUNSEL, on behalf of Appellee Cubesmart Corp., Cubesmart Self Storage and Cubesmart Store 0558, FILED. Service date 06/30/2022 by CM/ECF, email. [3340947] [22-1198] [Entered: 06/30/2022 03:22 PM]
06/30/2022	<u>17</u>	DEFECTIVE DOCUMENT, Notice of Appearance as Substitute Counsel, [16], on behalf of Appellee Cubesmart Corp., Cubesmart Self Storage and Cubesmart Store 0558, FILED.[3341019] [22-1198] [Entered: 06/30/2022 04:13 PM]
06/30/2022	<u>19</u>	NOTICE OF DUPLICATE APPEAL, with district court docket, on behalf of Appellant Prinyah Godiah Nmiaa Pa El-Bey, FILED. [3347144] [22-1198] [Entered: 07/13/2022 12:24 PM]
06/30/2022	<u>20</u>	MOTION, to proceed in forma pauperis, on behalf of Appellant Prinyah Godiah Nmiaa Pa El-Bey, FILED. No Service.[3347157] [22-1198] [Entered: 07/13/2022 12:42 PM]

22-1198 El-Bey v. Cubesmart Self Storage

07/13/2022 21 DEFECTIVE DOCUMENT, Motion to proceed in forma pauperis, [20], on behalf of Appellant Prinyah Godiah Nmiaa Pa El-Bey, copy to pro se appellant, FILED.[3347161] [22-1198] [Entered: 07/13/2022 12:46 PM]

07/14/2022 25 NOTICE OF APPEARANCE AS SUBSTITUTE COUNSEL, on behalf of Appellee Cubesmart Corp., Cubesmart Self Storage and Cubesmart Store 0558, FILED. Service date 07/14/2022 by US mail. [3347916] [22-1198] [Entered: 07/14/2022 02:07 PM]

07/14/2022 26 CURED DEFECTIVE Notice of Appearance as Substitute Counsel, [17], [25], on behalf of Appellee Cubesmart Corp., Cubesmart Self Storage and Cubesmart Store 0558, FILED.[3348205] [22-1198] [Entered: 07/14/2022 05:56 PM]

07/14/2022 28 ATTORNEY, Lauren Bristol, [25], in place of attorney Johan Alexander Obregon, SUBSTITUTED.[3348207] [22-1198] [Entered: 07/14/2022 06:02 PM]

07/15/2022 34 BRIEF, on behalf of Appellant Prinyah Godiah Nmiaa Pa El-Bey, FILED. No service.[3352205] [22-1198] [Entered: 07/21/2022 05:07 PM]

07/18/2022 29 STRIKE ORDER, striking Appellant Prinyah Godiah Nmiaa Pa El-Bey Form D-P [8] from the docket, copy to pro se appellant, FILED.[3349403] [22-1198] [Entered: 07/18/2022 01:11 PM]

07/18/2022 30 STRIKE ORDER, striking Appellant Prinyah Godiah Nmiaa Pa El-Bey Acknowledgment and Notice of Appearance [9] from the docket, copy to pro se appellant, FILED.[3349407] [22-1198] [Entered: 07/18/2022 01:18 PM]

07/18/2022 31 ORDER, dated 07/18/2022, dismissing appeal by 08/08/2022, unless Appellant Prinyah Godiah Nmiaa Pa El-Bey, submits Form D-P, copy to pro se appellant, FILED.[3349409] [22-1198] [Entered: 07/18/2022 01:23 PM]

07/18/2022 32 ORDER, dated 07/18/2022, dismissing appeal by 08/08/2022, unless Appellant Prinyah Godiah Nmiaa Pa El-Bey, submits an Acknowledgment and Notice of Appearance form, copy to pro se appellant, FILED.[3349433] [22-1198] [Entered: 07/18/2022 01:53 PM]

07/20/2022 33 LETTER, on behalf of Appellee Cubesmart Corp., Cubesmart Self Storage and Cubesmart Store 0558, replying to the motion to proceed in forma pauperis, RECEIVED. Service date 07/20/2022 by US mail.[3350985] [22-1198] [Entered: 07/20/2022 12:43 PM]

07/21/2022 35 DEFECTIVE DOCUMENT, Letter replying to the motion to proceed in forma pauperis, [33], on behalf of Appellee Cubesmart Corp., Cubesmart Self Storage and Cubesmart Store 0558, FILED.[3352210] [22-1198] [Entered: 07/21/2022 05:11 PM]

07/22/2022 36 OPPOSITION TO , to proceed in forma pauperis [20], on behalf of Appellee Cubesmart Corp., Cubesmart Self Storage and Cubesmart Store 0558, FILED. Service date 07/20/2022 by US mail. [3352535] [22-1198] [Entered: 07/22/2022 11:23 AM]

07/22/2022 37 CURED DEFECTIVE Opposition to proceed in forma pauperis, [35], [36], on behalf of Appellee Cubesmart Corp., Cubesmart Self Storage and Cubesmart Store 0558, FILED.[3352909] [22-1198] [Entered: 07/22/2022 03:59 PM]

08/12/2022 42 STRIKE ORDER, striking Appellant Prinyah Godiah Nmiaa Pa El-Bey Motion to proceed in forma pauperis, [20] from the docket, copy to pro se appellant, FILED.[3364708] [22-1198] [Entered: 08/12/2022 03:50 PM]

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 18th day of July, two thousand and twenty-two,

Prinyah Godiah Nmiaa Pa El-Bey,
Plaintiff - Appellant,

ORDER
Docket Number: 22-1198

v.

Cubesmart Self Storage, Cubesmart Store 0558,
Cubesmart Corp.,

Defendants - Appellees.

A notice of appeal was filed on May 24, 2022. Appellant's Form D-P was due June 07, 2022. The case is deemed in default.

IT IS HEREBY ORDERED that the appeal will be dismissed effective August 08, 2022 if the form is not filed by that date.

For The Court:
Catherine O'Hagan Wolfe,
Clerk of Court

Catherine O'Hagan Wolfe



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 15th day of June, two thousand and twenty-two,

Prinyah Godiah Nmiaa Pa El-Bey,
Plaintiff - Appellant,

ORDER
Docket Number: 22-1198

v.

Cubesmart Self Storage, Cubesmart Store 0558,
Cubesmart Corp.,

Defendants - Appellees.

A notice of appeal was filed on May 24, 2022. The filing fee of \$505.00 was due to be paid to the district court by June 10, 2022. The case is deemed in default.

Instructions for moving for *in forma pauperis* status are provided in the Court's instructions entitled "*How to Appeal a Civil Case in the United States Court of Appeals for the Second Circuit*". The manual and the forms required to file the motion are enclosed with this order. They are also available on the Court's website www.ca2.uscourts.gov.

IT IS HEREBY ORDERED that the appeal is dismissed effective July 06, 2022 unless by that date appellant either pays the fee in full, moves for *in forma pauperis* status in district court or, if district court has denied *in forma pauperis* status, moves in this Court for *in forma pauperis* status. If appellant has filed the motion in district court and the motion is pending, appellant must so advise this Court in writing by the same date.

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court

Catherine O'Hagan Wolfe



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRINYAH GODIAH NMIAA PAYNES EL-BEY,

Plaintiff,

-against-

CUBESMART SELF STORAGE,
CUBESMART STORE 0558, and
CUBESMART CORP.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/22/22

1:20-cv-00521-GHW

ORDER

GREGORY H. WOODS, United States District Judge:

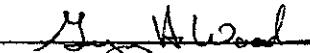
The Court has received Plaintiff's April 21, 2022 letter. Dkt. No. 109. On March 11, 2022, the Court dismissed this case due to Plaintiff's failure to prosecute and her failure to comply with the Court's orders. *See* Dkt. No. 106. Specifically, Plaintiff failed to appear at multiple court conferences and failed to meet her discovery obligations. Because this case has been dismissed, the Court declines to take any action with respect to Plaintiff's letter.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to send a copy of this order and a copy of the order at Dkt. No. 106 to Ms. El Bey's Florida and New York addresses by certified mail.

SO ORDERED.

Dated: April 22, 2022
New York, New York



GREGORY H. WOODS
United States District Judge