
In The
SUPREME COURT OF THE UNITED
STATES

PALANI KARUPAIYAN

--Petitioners

v.

STATE OF NEW YORK, et al

-- Respondents

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the 2nd Circuit before judgment is
entered in that Court (23-1257)

APPENDIX: for PETITION FOR A WRIT
OF CERTIORARI

Palani Karupaiyan
Pro se, Petitioner,
1326 W William St,
Room#2,
Philadelphia, PA 19132
212-470-2048(M)

List of Appendix

1. US District Court EDNY's Sua Sponte Dismissal of Complaint..... 1
2. Notice of Appeal..... 14
3. Notice of Petition for Mandamus, Prohibition or alternative. 15
4. Dist Court Docket Entries..... 16
5. United States Court of Appeals – USCA2 Docket Entries. 18

**1. US DISTRICT COURT
EDNY'S SUA SPONTE DISMISSAL
OF COMPLAINT
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Docket # 23-CV-5424 (AMD) (LB)

PALANI KARUPAIYAN,

—Plaintiff,

– against –

**STATE OF NEW YORK, NEW YORK
CITY**

**OF NY, NEW YORK CITY POLICE
DEPT. (NYPD), JOHN DOES-POLICE
OFFICERS OF NYPD, FREDERICK
DSOUZA, PRAVIN PANDEY, RAJA
RANDEY, and ADAR MANAGEMENT
CORP.,**

—Defendants.

MEMORANDUM AND ORDER

The plaintiff, proceeding *pro se*, brings this action under the Fourth and Fourteenth Amendments, 42 U.S.C. §§ 1981 and 1983, the

Fair Housing Act, the Americans with Disabilities Act, and related state and federal laws. The plaintiff alleges several claims that arise out of housing disputes and his arrest. On July 26, 2023, the Court granted the plaintiff's request to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. For the reasons that follow, the plaintiff's complaint is dismissed, but the plaintiff may amend his complaint within thirty days of this Order.

BACKGROUND

The plaintiff brings this case against the State of New York, the City of New York, the New York City Police Department ("NYPD"), John Doe NYPD officers, Frederick Dsouza, a private individual who allegedly squatted in the plaintiff's apartment, Pravin and Raja Pandey, co-leaseholders of the apartment, and Adar Management Corp., the apartment's owner. The plaintiff alleges that he and Pravin Pandey shared an apartment in Brooklyn. (ECF No. 1 ¶ 28.) The plaintiff lived in the bedroom, and Pandey lived in the living room. (*Id.*) Pandey also allowed Frederick Dsouza to squat in the living room. (*Id.*) According to the plaintiff, Dsouza repeatedly verbally abused him and physically assaulted him at least once because of his ethnicity. (*Id.* ¶¶ 42, 45.) Pandey was allegedly aware of the situation, and he also shouted racial slurs at the plaintiff. (*Id.* ¶¶ 56, 93.) After one particularly heated interaction, Dsouza called the police and had the plaintiff arrested. (*Id.* ¶¶ 58–64, 91.) The arresting officer (and possibly other officers at the precinct) similarly discriminated against the plaintiff: they held him on false

charges and refused to give him diabetes medicine. (*Id.* ¶¶ 62–73.)

The plaintiff describes several other rental disputes. For example, the plaintiff claims that Pravin Pandey, who only eats vegetarian food because of his religion, would not allow the plaintiff to cook eggs or other non-vegetarian food, even though the plaintiff needed to eat non-vegetarian food because of his diabetes. (*Id.* ¶¶ 92–94.) The plaintiff also alleges that Pandey and Adar Management forced him to sleep on a bug-infested mattress and refused his requests to hire a pest control service to treat the apartment. (*Id.* ¶¶ 83–89.) Finally, the plaintiff alleges that he had no money for rent because he had to file multiple lawsuits against the defendants, and that Pandey unlawfully evicted him. (*Id.* ¶¶ 95, 96, 99.) Moreover, Pandey refused to let him back into the apartment to pick up his personal belongings, including a debit card, a digital camera and medication. (*Id.* ¶¶ 101, 106–09.)

The plaintiff requests injunctive relief and monetary damages. He also asks the Court to put some of the defendants in prison and “to restructure the NY State courts into 3-tier which is similar to federal courts structure/hierarchy.” (*Id.* at 24–25.)

STANDARD OF REVIEW

To avoid dismissal, a complaint must plead “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A claim is plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Matson v. Bd. of Educ.*, 631 F.3d 57, 63

(2d Cir. 2011) (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). Although “detailed factual allegations” are not required, a complaint that includes only “labels and conclusions” or “a formulaic recitation of the elements of a cause of action will not do.” *Twombly*, 550 U.S. at 555; Fed. R. Civ. P. 8.

Because the plaintiff is proceeding *pro se*, I construe his complaint liberally and evaluate it by “less stringent standards than formal pleadings drafted by lawyers,” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam) (citation omitted), to raise “the strongest arguments” that it suggests, *Fowlkes v. Ironworkers Local 40*, 790 F.3d 378, 387 (2d Cir. 2015) (cleaned up). Nevertheless, a district court may *sua sponte* dismiss an *in forma pauperis* action if the action “(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B). The Court must also dismiss any claims over which it lacks subject matter jurisdiction. See *Henderson v. Shinseki*, 562 U.S. 428, 434 (2011) (“federal courts have an independent obligation to ensure that they do not exceed the scope of their jurisdiction, and therefore they must raise and decide jurisdictional questions that the parties either overlook or elect not to press”).

DISCUSSION

I. Claims Against the State of New York

State governments are immune from suits in federal court under the Eleventh Amendment to the U.S. Constitution “unless they have waived their . . . immunity, or unless Congress has

abrogated” that immunity. *Gollomp v. Spitzer*, 568 F.3d 355, 366 (2d Cir. 2009). “It is settled law, however, that Congress did not abrogate state sovereign immunity by enacting Section 1983.” *Rivera v. Evans*, No. 13-CV-6341, 2014 WL 4695803, at *10 n.3 (S.D.N.Y. Sept. 3, 2014) (citing *Quern v. Jordan*, 440 U.S. 332, 340–42 (1979)). “Nor has New York State waived its immunity with respect to Section 1983 claims” or any other claims the plaintiff alleges. *Id.* (citing *Trotman v. Palisades Interstate Park Comm’n*, 557 F.2d 35, 38–40 (2d Cir. 1977)). Therefore, the plaintiff’s claims against New York State are dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(iii). The dismissal is with prejudice, which means that the plaintiff may not re-file claims against New York State arising out of this incident.

II. Claims Against the NYPD

The New York City Charter provides that “[a]ll actions and proceedings for the recovery of penalties for the violation of any law shall be brought in the name of the City of New York and not in that of any agency, except where otherwise provided by law.” N.Y.C. Charter ch. 17 § 396. Because the NYPD is an agency of the City of New York, it is not a suable entity. *See Johnson v. Dobry*, 660 F. App’x 69, 72 (2d Cir. 2016) (citing N.Y.C. Charter ch. 17 § 396); *Jenkins v. City of New York*, 478 F.3d 76, 93 n.19 (2d Cir. 2007). Accordingly, all claims against the NYPD are also dismissed with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

III. Claims Against Raja Pandey and Adar Management

The plaintiff makes no allegations against Raja Pandey and only mentions Adar Management

once, alleging that it refused to contact pest control services. To state a claim in federal court, a plaintiff must explain how each defendant caused him harm; he may not simply “group” defendants together. *Amiron Dev. Corp. v. Sytner*, No. 12-CV-3036, 2013 WL 1332725, at *5 (E.D.N.Y. Mar. 29, 2013). Accordingly, all claims against Raja Pandey and Adar Management are dismissed without prejudice. That means that the plaintiff may amend his complaint to include specific facts about what these defendants did wrong.

IV. Claims Against New York City, NYPD Officers, Frederick Dsouza and Pravin Pandey

A. False Arrest and False Imprisonment

Federal courts look to state law when considering § 1983 claims for false arrest and false imprisonment. *See Guan v. City of New York*, 37 F.4th 797, 804 (2d Cir. 2022). Because New York does not distinguish between claims for false arrest and false imprisonment, I treat these as one claim. *See Liranzo v. United States*, 690 F.3d 78, 91 n.13 (2d Cir. 2012).

Section 1983 claims for false arrest are subject to a three-year statute of limitations. *Livingston v. Mejia*, No. 20-CV-2009, 2022 WL 976808, at *4 (S.D.N.Y. Mar. 31, 2022) (citation omitted). Because the plaintiff does not state the date of his arrest, I cannot determine whether his claim is timely. This claim is therefore dismissed without prejudice. If the plaintiff wishes to amend this claim, he must establish that he was arrested within the last three years. If the plaintiff was arrested earlier than that, he can ask the Court to toll the statute of limitations. However, the Court may only toll the statute of limitations in

“rare and exceptional circumstances,” if a plaintiff can demonstrate that he was prevented from filing timely and “acted with reasonable diligence throughout the period he [seeks] to toll.” *Jones v. City of New York*, 846 F. App’x 22, 24 (2d Cir. 2021) (quoting *Walker v. Jastremski*, 430 F.3d 560, 564 (2d Cir. 2005)).

Moreover, § 1983 only applies to persons “acting under color of state law.” *Matusick v. Erie Cnty. Water Auth.*, 757 F.3d 31, 55 (2d Cir. 2014) (quoting 42 U.S.C. § 1983). That means § 1983 “constrains only state conduct, not the ‘acts of private persons or entities.’” *Hooda v. Brookhaven Nat’l Lab.*, 659 F. Supp. 2d 382, 393 (E.D.N.Y. 2009) (quoting *Rendell-Baker v. Kohn*, 457 U.S. 830, 837 (1982)). I thus interpret the plaintiff to bring false arrest claims only against individual police officers and the City of New York¹. To the extent the plaintiff also wishes to hold Frederick Dsouza and Pravin Pandey—or any other private defendant—liable for false arrest, he must show that they were acting under the color of law. “[M]erely filing a complaint with the police, reporting a crime, requesting criminal investigation of a person, or seeking a restraining

¹To state a claim against the City of New York under federal law, the plaintiff must demonstrate “(1) an official [municipal] policy or custom that (2) cause[d] the plaintiff to be subjected to (3) a denial of a constitutional right.” *Torraco v. Port Auth. of N.Y. & N.J.*, 615 F.3d 129, 140 (2d Cir. 2010) (quoting *Wray v. City of New York*, 490 F.3d 189, 195 (2d Cir. 2007)). Under New York law, however, “municipalities can be liable for the actions of police officers on false arrest claims under a theory of *respondeat superior*” or vicarious liability. *Triolo v. Nassau Cnty.*, 24 F.4th 98, 110–11 (2d Cir. 2022) (collecting cases).

order, even if the complaint or report is deliberately false, does not give rise to a claim against the complainant for a civil rights violation.” *Vazquez v. Combs*, No. 04-CV-4189, 2004 WL 2404224, at *4 (S.D.N.Y. Oct. 22, 2004). Rather, the private actor must take “a more active role” and jointly engage in action with the police officers. *Carrillos v. Inc. Vill. of Hempstead*, 87 F. Supp. 3d 357, 371 (E.D.N.Y. 2015). Accordingly, if the plaintiff wishes to hold the private defendants liable, he must amend his complaint to demonstrate that they can be considered state actors.

B. Malicious Prosecution Claim

In order to prove a 42 U.S.C. § 1983 claim for malicious prosecution, a plaintiff must prove “(1) the initiation or continuation of a criminal proceeding against plaintiff; (2) termination of the proceeding in plaintiff’s favor; (3) lack of probable cause for commencing the proceeding; Moreover, there is also a three-year statute of limitations for § 1983 malicious prosecution claims, which begins to run when the prosecution terminates in the plaintiff’s favor. *Murphy v. Lynn*, 53 F.3d 547, 548 (2d Cir. 1995); *Spak v. Phillips*, 857 F.3d 458, 462 (2d Cir. 2017). If the prosecution terminated in the plaintiff’s favor, he must allege when that happened.

C. Obstruction of Justice

The plaintiff brings claims against some of the defendants for obstruction of justice. However, there is no private right of action for violations of the criminal statutes concerning obstruction of justice, 18 U.S.C. §§ 1501 *et seq.* That means that a private individual like the plaintiff may not invoke these provisions to obtain damages; they “may be enforced only by the Department of

Justice.” *Langella v. United States*, 01-CV-11583, 2002 WL 1218524 at *4 (S.D.N.Y. June 5, 2002), *aff’d*, 67 F. App’x 659 (2d Cir. 2003) (summary order). The plaintiff’s claims for obstruction of justice are thus dismissed with prejudice.

D. The Federal Fair Housing Act

The Federal Fair Housing Act “broadly prohibits discrimination in housing.” *Gladstone Realtors v. Vill. of Bellwood*, 441 U.S. 91, 93 (1979). Section 3604(a) prohibits person from “refus[ing] to sell or rent . . . or otherwise make unavailable or deny, a dwelling to any person

and (4) actual malice as a motivation for the defendant’s actions.” *Dettelis v. Sharbaugh*, 919 F.3d 161, 163–64 (2d Cir. 2019). The plaintiff does not provide sufficient facts about his

arrest—for example, what reason police officers gave for arresting him or whether the

proceedings terminated in his favor. His claim for malicious prosecution is thus dismissed

without prejudice; the plaintiff may amend his allegations to state additional facts to satisfy all

four prongs of the *Dettelis* test. because of race, color, religion, sex, familial status, or national

origin.” 42 U.S.C. § 3604(a). Section 3604(b) forbids discrimination “against any person in the

terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or

facilities” for any of those same reasons. *Id.* § 3604(b). And Section 3604(f), which was added in

the Fair Housing Amendments Act of 1988, proscribes discrimination “in the sale or rental, or

. . . otherwise make unavailable or deny, a dwelling to any buyer or renter because of” a

disability. *Id.* § 3604(f)(1), (2).

The plaintiff claims that Pravin Pandey discriminated against him when he prevented

him from cooking eggs and other non-vegetarian meals, which the plaintiff needed to help manage his diabetes. First, the plaintiff must state under which section(s) he wishes to proceed. That is, he must clarify whether he makes a claim based on his ethnicity or based on his disability.

Second, the plaintiff must allege sufficient facts to “permit the conclusion that the complained-of conduct occurred because of discriminatory animus.” *Logan v. Matveevskii*, 175 F. Supp. 3d 209, 226 (S.D.N.Y. 2016) (citation omitted). On the facts currently pleaded, it appears just as likely that the defendant prohibited the plaintiff from cooking non-vegetarian meals because of the defendant’s own religion and not because he intended to discriminate against the plaintiff. While the plaintiff claims that the defendant “allowed other people to cook/eat non-veg food in the apartment” (ECF No. 1 ¶ 94), that allegation is too vague and requires more detail.

Finally, if the plaintiff wishes to proceed under § 3604(a) or (f), he must establish that the defendant made the apartment “effectively unavailable to him.” *Gilead Cmty. Servs., Inc. v. Town of Cromwell*, 432 F. Supp. 3d 46, 72 (D. Conn. 2019) (citation omitted). Without additional facts, it is not clear that being unable to cook certain food satisfies this standard. The plaintiff’s Fair Housing Act claims are accordingly dismissed without prejudice.

E. Americans with Disabilities Act

The Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*, prohibits discrimination by public entities based on disability. *Quad Enterprises Co., LLC v. Town of Southold*, 369 F. App’x 202, 205 (2d Cir. 2010). To the extent the plaintiff

wishes to hold private defendants like Pravin Pandey liable, his claims must be dismissed with prejudice.

F. Section 1981 Claims

Section 1981 protects the equal right of “all persons within the jurisdiction of the United States” to “make and enforce contracts” without respect to race.” *Domino’s Pizza, Inc. v. McDonald*, 546 U.S. 470, 474–75 (2006) (cleaned up) (quoting 42 U.S.C. § 1981(a)). “The statute currently defines ‘make and enforce contracts’ to ‘include the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.’” *Id.* (cleaned up) (quoting § 1981(b)). To allege a § 1981 claim, a plaintiff must therefore establish that he had a contractual relationship with a defendant. The plaintiff does not allege which defendant—Pravin Pandey, Raja Pandey or Adar Management—leased him the room, so his § 1981 claim is dismissed without prejudice.

G. Other Landlord-Tenant Claims

“[F]ederal courts, unlike state courts, have no jurisdiction over landlord-tenant matters.” *Cain v. Rambert*, No. 13-CV-5807, 2014 WL 2440596, at *3 (E.D.N.Y. May 30, 2014) (collecting cases); *see also Bey v. Jones*, No. 19-CV-2577, 2019 WL 2028703, at *2 (E.D.N.Y. May 8, 2019). Therefore, all of the plaintiff’s landlord-tenant claims besides the allegations under the Fair Housing Act and § 1981 are dismissed with prejudice under Federal Rule of Civil Procedure 12(h)(3).

V. Claims About Restructuring New York’s Judicial System

This Court has no jurisdiction over how New York structures its courts or elects its judges. The plaintiff's claims related to this issue are dismissed with prejudice.

LEAVE TO AMEND

The Court will allow the plaintiff thirty days to amend his complaint. The plaintiff may not re-allege any claims that are dismissed with prejudice. Additionally, he may only re-plead claims that are dismissed without prejudice if he can cure the deficiencies discussed in this Order. The plaintiff must provide all the relevant dates and facts identified above. He must also explain separately how each defendant harmed him. However, if the plaintiff does not know the names of individual police officers, he may identify them as John or Jane Doe and provide descriptive information about the officers and their place of employment. For example: Police Officer John Doe of the [Number] Precinct.

The amended complaint must be captioned as "Amended Complaint" and bear the docket number assigned to this case: 23-CV-5424 (AMD) (LB). The amended complaint will completely replace the original complaint, so the plaintiff must include all the allegations in the amended complaint.

The plaintiff may wish to consult the City Bar Justice Center's Federal Pro Se Legal Assistance Project at (212) 382-4729 for free, limited-scope legal assistance.

CONCLUSION

The plaintiff's complaint is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B) and Federal Rule of Civil Procedure 12(h)(3). The plaintiff may amend

his complaint within thirty days of this Order as discussed above. No summons will issue at this time. If the plaintiff does not file an amended complaint within thirty days or does not cure the deficiencies discussed above, this action will be dismissed with prejudice.

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

SO ORDERED.

/s/ ANN M. DONNELLY

ANN M. DONNELLY

United States District Judge

Dated: Brooklyn, New York

September 8, 2023

2. NOTICE OF APPEAL

Form 1B

Notice of Appeal to a Court of Appeals From an Appealable Order of a District Court

United States District Court for the New York , EDNY

Docket Number _ 23-CV-5424 (AMD) (LB) _____

Palani Karupaiyan,

—Appellant

v.

**STATE OF NEW YORK, NEW YORK CITY
OF NY, NEW YORK CITY POLICE DEPT.
(NYPD), JOHN DOES-POLICE OFFICERS OF
NYPD, FREDERICK DSOUZA, PRAVIN PANDEY,
RAJA RANDEY, and ADAR MANAGEMENT
CORP.,**

—Appellees.

Notice of Appeal

Palani Karupaiyan (name all parties taking the petition)
Appeal to the United States Court of Appeals for the 2nd
Circuit from the order **ORDER (ECF-8) that dismissed the
complaint (Entire MEMORANDUM AND ORDER)**
(Describe the order) entered on **Sep 08, 2023** (state
the date the order was entered).

/s/ K. Pazhani

Attorney for Pro se, Palani Karupaiyan

Date: Sep 11 2023.

1) **MEMORANDUM AND ORDER** dated Sep 8, 2023 ECF-8
is attached

**3. NOTICE OF PETITION FOR
MANDAMUS, PROHIBITION OR
ALTERNATIVE.**

Form 1B

**Notice of Appeal to a Court of Appeals From an Appealable
Order of a District Court**

United States District Court for the New York , EDNY
Docket Number _ 23-CV-5424 (AMD) (LB) _____

**Palani Karupaiyan,
—Appellant**

v.

**STATE OF NEW YORK, NEW YORK CITY
OF NY, NEW YORK CITY POLICE DEPT.
(NYPD), JOHN DOES-POLICE OFFICERS OF
NYPD, FREDERICK DSOUZA, PRAVIN PANDEY,
RAJA RANDEY, and ADAR MANAGEMENT
CORP.,**

—Appellees.

**Notice of Petition for Mandamus, Prohibition or
Alternative.**

Palani Karupaiyan (name all parties taking the petition).
Petition to the United States Court of Appeals for the
2nd Circuit from the order **ORDER (ECF-8)** that
**dismissed the complaint (Entire MEMORANDUM AND
ORDER)** (Describe the order) entered on **Sep 08, 2023**
(state the date the order was entered).

/s/ K. Pazhani

Attorney for _Pro se, Palani Karupaiyan_

Date: Sep 11 2023.

1)MEMORANDUM AND ORDER dated Sep 8, 2023 ECF-8
is attached

4. DIST COURT DOCKET ENTRIES

1:23-cv-05424-AMD-LB Karupaiyan et al v. State
Of New York et al
Ann M Donnelly, presiding
Lois Bloom, referral
Date filed: 07/12/2023
Date of last filing: 11/08/2023

History of entries

Doc No.	Dates	Description
<u>1</u>	<i>Filed:</i> 07/12/2023 <i>Entered:</i> 07/19/2023	● Complaint
<u>2</u>	<i>Filed:</i> 07/12/2023 <i>Entered:</i> 07/19/2023 <i>Terminate</i> 07/26/2023 <i>d:</i> 3	● Motion for Leave to Proceed in forma pauperis
<u>3</u>	<i>Filed & Entered:</i> 07/19/2023	● Clerks Notice of Rule 73
	<i>Filed & Entered:</i> 07/26/2023	● Order on Motion for Leave to Proceed in forma pauperis
<u>4</u>	<i>Filed:</i> 08/01/2023 <i>Entered:</i> 08/07/2023	● Mail Returned
<u>5</u>	<i>Filed & Entered:</i> 08/14/2023	● Pro Se Consent to Electronic Notification
<u>6</u>	<i>Filed & Entered:</i> 08/15/2023	● Mail receipt

<u>7</u>	<i>Filed & Entered:</i> 08/15/2023	● Pro Se Consent to Electronic Notification
<u>8</u>	<i>Filed & Entered:</i> 09/08/2023	● Order
	<i>Filed:</i> 09/11/2023 <i>Entered:</i> 09/13/2023	● Appeal Filing Fee Due
<u>11</u>	<i>Filed:</i> 09/11/2023 <i>Entered:</i> 09/13/2023	● Notice of Appeal
	<i>Filed & Entered:</i> 09/13/2023	● Electronic Index to Record on Appeal
<u>9</u>	<i>Filed & Entered:</i> 09/13/2023 <i>Terminate d:</i> 10/12/2023	● Motion for Writ of Mandamus
<u>10</u>	<i>Filed & Entered:</i> 09/13/2023	● Letter
	<i>Filed & Entered:</i> 09/29/2023	● Electronic Index to Record on Appeal
<u>12</u>	<i>Filed & Entered:</i> 09/29/2023	● USCA Appeal Fees
<u>13</u>	<i>Filed & Entered:</i> 10/12/2023	● Order on Motion for Writ of Mandamus
<u>14</u>	<i>Filed & Entered:</i> 10/16/2023 <i>Terminate d:</i> 10/19/2023	● Motion to Amend/Correct/Supplement
<u>15</u>	<i>Filed & Entered:</i> 10/19/2023	● Order on Motion to Amend/Correct/Supplement
<u>16</u>	<i>Filed:</i> 11/08/2023 <i>Entered:</i> 11/09/2023	● Mail Returned

**5. UNITED STATES COURT OF
APPEALS –USCA2 DOCKET
ENTRIES.**

Court of Appeals Docket Docketed: 09/14/2023

#: 23-1257

Nature of Suit: 3440

CIVIL RIGHTS-Other

**Karupaiyan v. State of New
York**

**Appeal From: EDNY
(BROOKLYN)**

Fee Status: Paid

Case Type Information:

- 1) Civil
- 2) Private

Palani Karupaiyan,

Plaintiff - Appellant,

v.

**State of New York, City of New York,
New York City Police Department,**

**(NYPD), John Does Police Officers of
NYPD, Fredrick Dsouza, Pravin**

**Pandey, Raja Pandey, ADAR
Management Corp.,**

Defendants - Appellees.

09/14/2023

NOTICE OF CIVIL APPEAL, with
district court docket, on behalf of
Appellant Palani Karupaiyan,

┌ 1

FILED. [3569064] [23-1257]
[Entered: 09/14/2023 08:11 PM]

09/14/2023

2

DISTRICT COURT
MEMORANDUM AND ORDER,
dated 09/08/2023,
RECEIVED.[3569065] [23-1257]
[Entered: 09/14/2023 08:16 PM]

09/14/2023

3

ELECTRONIC INDEX, in lieu of
record, FILED.[3569066] [23-1257]
[Entered: 09/14/2023 08:17 PM]

09/14/2023

4

INSTRUCTIONAL FORMS, to Pro
Se litigant, SENT.[3569067] [23-
1257] [Entered: 09/14/2023 08:19
PM]

09/14/2023

5

NOTICE, to Appellee ADAR
Management Corp., regarding a
corporation proceeding Pro Se, and
requesting a response 30 days from
the date of this letter,
SENT.[3569068] [23-1257] [Entered:
09/14/2023 08:24 PM]

09/19/2023

9

ACKNOWLEDGMENT AND
NOTICE OF APPEARANCE, on
behalf of Appellant Palani
Karupaiyan, FILED. Service date
09/19/2023 by CM/ECF.[3570752]
[23-1257] [Entered: 09/19/2023 05:30
PM]

09/19/2023

10

FORM D-P, on behalf of Appellant
Palani Karupaiyan, FILED. Service
date 09/19/2023 by

CM/ECF.[3570753] [23-1257]
[Entered: 09/19/2023 05:31 PM]

- 09/19/2023
┌ 11 LR 31.2 SCHEDULING
NOTIFICATION, on behalf of
Appellant Palani Karupaiyan,
informing Court of proposed due
date 12/12/2023, RECEIVED.
Service date 09/19/2023 by
CM/ECF.[3570758] [23-1257]
[Entered: 09/19/2023 05:34 PM]
- 09/19/2023
┌ 12 ORAL ARGUMENT STATEMENT
LR 34.1 (a), on behalf of filer Party
Palani Karupaiyan, FILED. Service
date 09/19/2023 by CM/ECF.
[3570759] [23-1257] [Entered:
09/19/2023 05:35 PM]
- 09/20/2023
┌ 13 ACKNOWLEDGMENT AND
NOTICE OF APPEARANCE, on
behalf of Appellant Palani
Karupaiyan, FILED. Service date
09/20/2023 by CM/ECF.[3571007]
[23-1257] [Entered: 09/20/2023 12:19
PM]
- 09/20/2023
┌ 14 FORM D-P, on behalf of Appellant
Palani Karupaiyan, FILED. Service
date 09/20/2023 by
CM/ECF.[3571019] [23-1257]
[Entered: 09/20/2023 12:31 PM]
- 09/20/2023
┌ 15 FORM D-P, on behalf of Appellant
Palani Karupaiyan, FILED. Service
date 09/20/2023 by
CM/ECF.[3571042] [23-1257]
[Entered: 09/20/2023 01:06 PM]

- 09/20/2023 LR 31.2 SCHEDULING
☐ 16 NOTIFICATION, on behalf of Appellant Palani Karupaiyan, informing Court of proposed due date 12/18/2023, RECEIVED. Service date 09/20/2023 by CM/ECF.[3571047] [23-1257] [Entered: 09/20/2023 01:09 PM]
- 09/20/2023 ORAL ARGUMENT STATEMENT
☐ 17 LR 34.1 (a), on behalf of filer Party Palani Karupaiyan, FILED. Service date 09/20/2023 by CM/ECF. [3571049] [23-1257] [Entered: 09/20/2023 01:10 PM]
- 09/22/2023 LETTER, on behalf of Appellee State
☐ 18 of New York, informing the Court that the New York State Attorney General's Office is not representing the Defendant-Appellee in this appeal and would like to be removed as counsel, RECEIVED. Service date 09/21/2023 by US mail.[3572247] [23-1257] [Entered: 09/22/2023 11:45 AM]
- 09/22/2023 ATTORNEY, Barbara D.
☐ 19 Underwood, for Appellee State of New York, TERMINATED.[3572272] [23-1257] [Entered: 09/22/2023 12:11 PM]
- 09/22/2023 LETTER, on behalf of Appellant
☐ 21 Palani Karupaiyan, informing the Court that Appellant submitted her money order for the filing fee to the

District Court, RECEIVED. Service date 09/22/2023 by CM/ECF.[3572396] [23-1257] [Entered: 09/22/2023 01:53 PM]

09/26/2023

┌ 22

LETTER, dated 09/25/2023, on behalf of Appellees City of New York, New York City Police Department and Police Officers of NYPD, informing the Court that the New York City Law Department does not represent the Appellees in this appeal and would like to be removed as counsel on record, RECEIVED. Service date 09/25/2023 by US mail.[3573630] [23-1257] [Entered: 09/26/2023 02:20 PM]

09/26/2023

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ATTORNEY, Sylvia Hinds-Radix, for City of New York, New York City Police Department and John Does Police Officers of NYPD, TERMINATED.[3573632] [23-1257] [Entered: 09/26/2023 02:22 PM]

09/29/2023

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NOTICE, to Appellee ADAR Management Corp., for failure to file an appearance, SENT.[3575295] [23-1257] [Entered: 09/29/2023 10:09 AM]

09/29/2023

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DEFECTIVE DOCUMENT, Acknowledgment and Notice of Appearance Form, [9], on behalf of Appellant Palani Karupaiyan, FILED.[3575349] [23-1257] [Entered: 09/29/2023 10:45 AM]

- 09/29/2023 DEFECTIVE DOCUMENT, Form D-
P, [10], [14], on behalf of Appellant
Palani Karupaiyan,
FILED.[3575362] [23-1257]
[Entered: 09/29/2023 10:50 AM]
☐ 27
- 09/29/2023 DEFECTIVE DOCUMENT, LR 31.2
Scheduling Notification, [11], on
behalf of Appellant Palani
Karupaiyan, FILED.[3575435] [23-
1257] [Entered: 09/29/2023 11:19
AM]
☐ 28
- 09/29/2023 DEFECTIVE DOCUMENT, Oral
Argument Statement, [12], on behalf
of Appellant Palani Karupaiyan,
FILED.[3575452] [23-1257]
[Entered: 09/29/2023 11:29 AM]
☐ 29
- 09/29/2023 CURED DEFECTIVE
ACKNOWLEDGMENT AND
NOTICE OF APPEARANCE FORM,
FORM D-P, LR 31.2 SCHEDULING
NOTIFICATION, ORAL
ARGUMENT STATEMENT, [13],
[15], [16], [17], on behalf of
Appellant Palani Karupaiyan,
FILED.[3575466] [23-1257]
[Entered: 09/29/2023 11:32 AM]
☐ 30
- 09/29/2023 PAYMENT OF DOCKETING FEE,
on behalf of Appellant Palani
Karupaiyan, district court receipt #
100009824, FILED.[3575697] [23-
1257] [Entered: 09/29/2023 02:57
PM]
☐ 31

- 09/29/2023 FIRST SUPPLEMENTAL
☐ 32 ELECTRONIC INDEX, in lieu of
record, FILED.[3575698] [23-1257]
[Entered: 09/29/2023 02:58 PM]
- 10/04/2023 BRIEF & APPENDIX, on behalf of
☐ 35 Appellant Palani Karupaiyan,
FILED. Service date 10/04/2023 by
CM/ECF. [3577642] [23-1257]
[Entered: 10/04/2023 06:31 PM]
- 10/15/2023 MOTION, to amend document, on
☐ 36 behalf of Appellant Palani
Karupaiyan, FILED. Service date
10/15/2023 by CM/ECF. [3581276]
[23-1257] [Entered: 10/15/2023 04:58
PM]
- 10/15/2023 BRIEF, on behalf of Appellant
☐ 37 Palani Karupaiyan, FILED. Service
date 10/15/2023 by
CM/ECF.[3581277] [23-1257]
[Entered: 10/15/2023 05:04 PM]
- 10/15/2023 BRIEF & APPENDIX, on behalf of
☐ 38 Appellant Palani Karupaiyan,
FILED. Service date 10/13/2023 by
CM/ECF. [3581278] [23-1257]
[Entered: 10/15/2023 05:06 PM]
- 10/18/2023 MOTION ORDER, granting
☐ 41 Appellant's motion for Court to
accept an amended brief, [36], filed
by Appellant Palani Karupaiyan,
FILED. [3582571][41] [23-1257]
[Entered: 10/18/2023 02:24 PM]

- 10/19/2023 43 SUPPLEMENTAL APPENDIX, on behalf of Appellant Palani Karupaiyan, FILED. Service date 10/19/2023 by CM/ECF. [3583079] [23-1257] [Entered: 10/19/2023 06:53 PM]
- 10/27/2023 45 CERTIFICATE OF SERVICE, for when the appellant/petitioner served the Brief and appendix to the dist Judge, I was told that docket is closed to court will not file on docket. Now the docket is open appellant served the amended brief and appendix thru internet box service., on behalf of Appellant Palani Karupaiyan, FILED. Service date 10/27/2023 by CM/ECF.[3585475] [23-1257] [Entered: 10/27/2023 05:58 PM]