

Chaya Katz, Joel Tennenbaum, and Bluma Tennenbaum (all proceeding pro se), requesting to join in the motion to dismiss previously filed by defendants Children's Rights Society and Kim Pavlovic. By memorandum endorsement dated October 5, 2012, the Court granted that request (Doc. #70).

Having now carefully reviewed the allegations in the amended complaint with respect to the Katzes and the Tennenbaums, the Court finds plaintiff has failed to set forth facts sufficient to show that the Katzes and Tennenbaums were state actors for purposes of Section 1983, for substantially the same reasons the Court made the same finding with respect to defendants Kiryas Joel EMS and Rubenstein. (See 2/11/13 Mem. Dec. at 12). Further, plaintiff has failed to allege any facts giving rise to a plausible claim that the Katzes or Tennenbaums conspired with others to deprive plaintiff of his constitutional rights in violation of Sections 1983 or 1985.

In its February 11, 2013, decision, in consideration of the fact that plaintiff is proceeding pro se, the Court granted plaintiff leave to further amend his complaint with respect to his claims against Kiryas Joel EMS and Rubenstein, and directed plaintiff to file any amended pleading by March 11, 2013. The Court similarly grants plaintiff leave to further amend his complaint with respect to his claims against the Katzes and Tennenbaums; specifically, to allege facts demonstrating that the Katzes and Tennenbaums were state actors for purposes of Section 1983, and that they conspired to deprive plaintiff of his constitutional rights. Plaintiff's time to file a second amended complaint is extended to April 12, 2013.

Dated: February 22, 2013
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge