

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW
YORK

**Mark Davies, Samantha Davies, Adrienne Davies, and David Davies
v. Town of Hempstead, et al.**

No. 26-cv-5134 (NJC)(JMW) · No. 26-cv-5134 (NJC)(JMW) · Decided February 9, 2026

SUMMARY

The United States District Court for the Eastern District of New York grants the pro se plaintiffs' renewed motions to proceed in forma pauperis and orders the United States Marshals Service to serve the summonses and complaint. The Court also invokes *Valentin v. Dinkins* to request assistance from relevant government and corporate counsel in identifying unnamed defendants, and denies in forma pauperis status for any appeal.

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK Mark Davies, Samantha Davies, Adrienne Davies, and David Davies, Plaintiffs, 26-cv-5134 -v- (NJC)(JMW) Town of Hempstead, et al., Defendants. ORDER NUSRAT J. CHOUDHURY, United States District Judge: Before the Court are the renewed motions to proceed in forma pauperis ("IFP") filed on December 15, 2025 by pro se plaintiffs Mark Davies, Samantha Davies, Adrienne Davies, and David Davies (collectively, "Plaintiffs") in relation to the Complaint, which was filed in this Court on September 15, 2025.¹ (Compl., ECF No. 3; Renewed IFP Mots., ECF Nos. 11-14.)

Upon review of these filings, the Court grants the renewed IFP motions and, upon screening the Complaint in accordance with the requirements of 28 U.S.C. § 1915(e), the Court orders service of the summonses and the signed Complaint by the United States Marshal Service ("USMS") pursuant to 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process... in [IFP] cases.").

The Clerk of the Court shall issue a summons to each Defendant and shall forward the summonses and copies of the signed Complaint and this Order to the USMS for service upon the 1 The original complaint filed on September 12, 2025 was signed by only Mark Davies. (ECF No. 1.)

On September 15, 2025, Plaintiffs filed the Complaint signed by each Plaintiff. (ECF No. 3.) The signed Complaint is the operative pleading. 1 Defendants forthwith. The USMS shall file returns of service within two weeks of the completion of service.

However, the USMS will not be able to serve the unidentified defendants without more information. Pursuant to *Valentin v. Dinkins*, 121 F.3d 72, 75–76 (2d Cir. 1997) (per curiam), the

Nassau County Attorney, the Hempstead Town Attorney, and the General Counsel for National Grid are requested to assist with identifying the unnamed defendants who are alleged to be employed by the Nassau County Police Department, the Town of Hempstead, and/or National Grid and who are alleged to be responsible for the events alleged to have occurred on or about September 19, 2022 or arising therefrom as described in the Complaint.

Accordingly, the Clerk of the Court shall serve a copy of the Complaint together with this order on the Nassau County Attorney, the Hempstead Town Attorney, and General Counsel for National Grid and they are requested to attempt to ascertain the full names of the unidentified defendants and to provide their names and the address(es) where such defendants can be served to the Court and to Plaintiffs within thirty (30) days of the date that this Order is served upon them.

The Nassau County Attorney, the Hempstead Town Attorney, and the General Counsel for National Grid need not undertake to defend or indemnify these individuals at this juncture. This Order merely provides a means by which Plaintiffs may name and properly serve the defendants as instructed by the Second Circuit in *Valentin*.² Once the information is provided to the Court, Plaintiffs' Complaint shall be deemed amended to reflect the full names of the unnamed defendants, a summons shall be issued to each defendant, and the USMS shall effect *Valentin*'s guidance that "a pro se litigant is entitled to assistance from the district court in identifying a defendant" has been extended to private entities.

See, e.g., *Doe #1 v. 2001 Arthur LLC*, No. 24-cv-9542, 2025 WL 831594, at *1 (S.D.N.Y. Feb. 11, 2025) (citing *Valentin*, 121 F.3d at 76); *Peterec v. TGI Fridays, Inc.*, No. 7:23-cv-8028, 2023 WL 6960347, at *2 (S.D.N.Y. Oct. 19, 2023) (same). ² service.

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 IFP status is denied for the purpose of any appeal. See *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court shall mail a copy of this Order to Plaintiffs at their address of record and shall note such mailing on the docket. Dated: Central Islip, New York February 9, 2026 /s/ Nusrat J. Choudhury NUSRAT J. CHOUDHURY United States District Judge 3