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U S DISTRICT COURT SDNY

To: The Honorable Richard K. Eaton
United State District Court Judge
Southern District of New York
500 Pearl Street - New York NY, 10007

Re: *Weisshaus v. Port Authority, et al.* 11-cv-6616 (RKE)

Dear Judge Eaton,

I Yoel Weisshaus am the plaintiff. I submit this letter as the basis to amend my complaint.

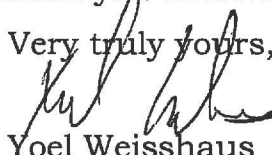
On February 15, 2013, the Court reopened this case following remand from the Second Circuit for the Court of Appeals, for review under the dormant Commerce Clause.¹ The remand also asks review for leave to amend the complaint. See *Weisshaus v. Port Authority of New York*, 497 Fed.Appx. 102, 104-5 (2nd Cir. 9-20-2012) It is necessary to cure the complaint for several reasons. First, several of the defendants are not part to this action. Second, there is no specific listing of the dormant commerce clause. An amended complaint will cure such deficiencies with a concise and specific pleading.

The Court should take judicial notice, that in *Burnside v. Walters* No. 12-7892 (U.S., June 3, 2013) the Supreme Court of the United States unanimously reversed and remanded for further consideration to allow a pauper to cure deficiencies with amending the complaint for a more specific pleading. The Supreme Court did so "in light of *LaFountain v. Harry*, No. 11-1496, 2013 WL 2221569 (CA6, May 22, 2013)" at 9, which overruled *McGore v. Wigglesworth*, 114 F.3d 601 (6th Cir. 1997) for denying a pauper the right to amend as "flatly inconsistent with *Jones v. Bock*, 549 U.S. 199, 213 (2007).

At the current stage of this case, the Clerk of the Court has yet to issue a summons. I write to request that the Court schedule October 28, 2013 as the date to amend the complaint, and if filed for the issuance of a summons.

I thank you in advance for consideration of this matter.

Very truly yours,



Yoel Weisshaus

Cc: Kathleen G. Miller for the Port Authority, by email

¹ Claims for the same facts under the legal right to travel theories are currently pending certiorari in the Supreme Court of the United States. See enclosed petition.