

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JENNIFER PASCUBILLO,) Civ. No. 09-00208 SOM-BMK
)
Plaintiff,) FINDINGS AND
) RECOMMENDATION THAT THIS
vs.) ACTION BE DISMISSED
)
COSTCO WHOLESALE)
CORPORATION, et al.,)
)
Defendants.)
)

FINDINGS AND RECOMMENDATION THAT THIS ACTION BE DISMISSED

Plaintiff Jennifer Pascubillo filed this action on May 8, 2009. A Rule 16 Scheduling Conference was scheduled for January 13, 2010, but Plaintiff did not appear and no Defendant appeared because no Defendant had been served in this case. On January 15, 2010, this Court issued an Order to Show Cause, asking Plaintiff to show good cause, if any, why dismissal of this case is not warranted for failure to, among other things, serve any Defendant within the required time period.

On January 22, 2010, Plaintiff appeared telephonically at the show cause hearing. She explained that she is financially unable to prosecute this case at this time. Because she provided no good cause or satisfactory justification for failing to serve any Defendant within the required time period, this Court finds and

recommends that this action be DISMISSED. See Fed. R. Civ. P. 4(m) (“If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court—on motion or its own after notice to the plaintiff—must dismiss the action without prejudice against the defendant.”).

Plaintiff is advised that any objection to this Findings and Recommendation is due seventeen calendar days after being served with a copy of this Findings and Recommendation. See Fed. R. Civ. P. 5(b)(2) & 6(d); Local Rule 74.2. If an objection is filed with the Court, it shall be captioned “Objections to Magistrate Judge’s Findings and Recommendation.”

DATED: Honolulu, Hawaii, January 22, 2010.

IT IS SO FOUND AND RECOMMENDED.



/S/ Barry M. Kurren
Barry M. Kurren
United States Magistrate Judge

Jennifer Pascubillo v. Costco Wholesale Corp., CV. NO. 09-00208 SOM-BMK; FINDINGS AND RECOMMENDATION THAT THIS ACTION BE DISMISSED.