

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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ABRAHAM KAHAN,

Plaintiff,

-against-

CHASE BANK,

Defendant.

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**MEMORANDUM
AND ORDER**

10-CV-335 (KAM)

ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

Currently pending before this Court is a letter dated September 9, 2010, from defendant Chase Bank USA, N.A. (“defendant”), requesting an extension of the September 20th discovery deadline and an adjournment of the settlement conference scheduled for September 30, 2010 at 10:30 a.m. The reason for the request is defense counsel’s inability to complete discovery due to the fact that *pro se* plaintiff Abraham Kahan (“plaintiff”) has not responded to defense counsel’s telephonic and mail messages, and plaintiff’s work telephone numbers are out of service. See Letter to the Court from Michelle E. Tarson (Sept. 9, 2010).

In response to defense counsel’s rescheduling request, this Court issued an endorsed order on September 10, 2010, directing plaintiff to respond, in writing, by September 13, 2010. The endorsed order was sent to plaintiff, via Federal Express, at his last known address. The package was returned by Federal Express as undeliverable, with the notation “NOT KNOWN.” Attempts by court personnel to contact plaintiff were unavailing, as his cell phone number has been disconnected and his home phone number went unanswered.

In view of these circumstances, the discovery deadline is adjourned *sine die*. The September 30th conference will not, however, be adjourned, since there is no way to notify

plaintiff -- who was present at the initial conference on March 10, 2010, when the Court set the time and date for the settlement conference -- of any such adjournment. Moreover, if plaintiff fails to timely appear for the September 30th conference, he will then be in violation of the Court's Calendar Order of March 10, 2010. That violation, coupled with his failure to prosecute this case and his failure to notify the Court and defense counsel of the change in his contact information, will likely result in a recommendation that the case be dismissed with prejudice for lack of prosecution and for ignoring an order of the Court.

The Clerk is directed to enter this Memorandum and Order into the ECF system and to mail a copy to plaintiff at his last known address.

SO ORDERED.

**Dated: Brooklyn, New York
September 24, 2010**

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**