

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
Marek Lukasiewicz,

Plaintiff,

-against-

Polish & Slavic Federal Credit Union,

Defendant.
-----X

AMON, Chief United States District Judge.

NOT FOR PUBLICATION
MEMORANDUM & ORDER

11-cv-3422 (CBA) (VVP)

FILED

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 08 2013 ★

BROOKLYN OFFICE

Before the Court is Magistrate Judge Viktor Pohorelsky's Report and Recommendation ("R&R") recommending that the Court grant defendant Polish & Slavic Federal Credit Union's unopposed motion to dismiss for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). Subsequent to the issuance of that opinion, the Second Circuit decided *Mitchell v. Lyons Prof'l Servs., Inc.*, --- F.3d ----, 2013 WL 709645 (2d Cir. Feb. 28, 2013). In light of that opinion, counsel for plaintiff is directed to serve both a copy of the R&R and this Order on plaintiff and to provide this Court with proof of service. A hearing will be held on the R&R's recommendation to dismiss this case on April 16, 2013 at 11:30 AM. If plaintiff wishes to oppose the motion to dismiss for failure to prosecute, he must personally appear at this hearing and explain why dismissal in this case is not appropriate or provide the Court with a written response prior to that date. Failure to appear or to provide a letter response will result in dismissal of the case.

SO ORDERED.

Dated: Brooklyn, N.Y.

March 8, 2013

s/Carol Bagley Amon

~~Carol Bagley Amon~~
Carol Bagley Amon
Chief United States District Judge