

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

-----x
EMELINA WEBBER,

Plaintiff,

-against-

DOMINO'S PIZZA LLC,

Defendant.
-----x

3/20/18
Recommended sanctions imposed. Case dismissed without prejudice to arbitration.
REPORT AND RECOMMENDATION
Do not read
17-CV-6272 (RJD) s/ RJD
[Signature]

ROANNE L. MANN, CHIEF UNITED STATES MAGISTRATE JUDGE:

As set forth in this Court's Order to Show Cause dated February 12, 2018 ("2/12/18 OTSC"), Electronic Case Filing Docket Entry ("DE") #5, in this case brought under the Family Medical Leave Act ("FLMA"), 29 U.S.C. § 2601 *et seq.*, the Complaint was never served on the defendant and no further action has been taken in this case. Plaintiff was therefore directed, on pain of sanctions, to show cause in writing by February 20, 2018, why the case should not be dismissed with prejudice for lack of prosecution pursuant to Rule 41(b). See 2/12/18 OTSC. Having failed to respond, plaintiff has ignored this Court's order and thus abandoned this case. Accordingly, it is the recommendation of this Court that the complaint be dismissed with prejudice and that counsel for plaintiff, Francisco O. Castillo, be sanctioned \$100.00 for failure to comply with this Court's order.

Any objections to this Report and Recommendation must be filed with the Honorable Raymond J. Dearie on or before **March 16, 2018**. Failure to file objections in a timely manner may waive a right to appeal the District Court order. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a)(1), 72(b)(2); Small v. Sec'y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

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

★ **MAR 20 2018** ★

BROOKLYN OFFICE

SO ORDERED.

**Dated: Brooklyn, New York
March 2, 2018**

/s/ Roanne L. Mann

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