

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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

★ JAN 14 2015 ★

LONG ISLAND OFFICE

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BRUCE KUSHAKOW, STANLEY KUSHAKOW,
RITA KUSHAKOW,

Plaintiff,

-against-

ORDER
14-CV-3798(SJF)

TOWN OF HEMPSTEAD, et al.,

Defendants.

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FEUERSTEIN, District Judge:

On June 18, 2014, *pro se* plaintiffs Bruce Kushakow, Stanley Kushakow and Rita Kushakow (“plaintiffs”) filed a complaint and paid the filing fee in this action. By Order dated July 1, 2014, plaintiffs were advised that they were required to serve defendants with the summonses and complaint by October 16, 2014. DE 4. Plaintiffs were also advised that failure to timely serve defendants, or to show good cause why such service had not been effected, would result in dismissal of the complaint without prejudice. *Id.* Plaintiffs were further instructed to file proof of service with the Court. *Id.* By letter dated August 26, 2014, Bruce Kushakow and Rita Kushakow requested an extension of time to complete service. DE 6. By Order dated September 10, 2014, the Court extended the deadline to complete service of process to November 17, 2014 and cautioned plaintiffs that no further extensions would be granted. DE 7.

To date, plaintiffs have not filed proof of service, nor have they otherwise communicated with the Court. Thus, it appears that plaintiffs have abandoned this action and, accordingly, plaintiffs’ complaint is dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of the Court shall close this case.

Although plaintiffs paid the filing fee to commence this action, should they seek leave to

appeal *in forma pauperis*, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. *See Coppedge v. United States*, 369 U.S. 438 (1962).

SO ORDERED.

Dated: January 14, 2015
Central Islip, New York

s/ Sandra J. Feuerstein

Sandra J. Feuerstein, U.S.D.J.