

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SALAH H. TAWFIK,

Plaintiff,

-against-

ORDER

20-CV-5832 (JS) (AKT)

PETER GEORGATOS, ARCHIE GEORGATOS,
and PREMIER DINER,

Defendants.

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APPEARANCES

For Plaintiff: Salah H. Tawfik, pro se
134 La Bonne Vie, Apartment C
East Patchogue, New York 11772

For Defendants: Saul D. Zabell, Esq.
Diana Marie McManus, Esq.
Zabell & Collotta, PC
One Corporate Drive, Suite 103
Bohemia, New York 11716

SEYBERT, District Judge:

On December 8, 2020, the Court entered an Order denying Plaintiff's request to proceed in forma pauperis and directing Plaintiff to remit the \$400.00 filing fee within fourteen days. (Dec. 8, 2020 Order, ECF No. 5.) In the Order, the Court warned Plaintiff that "a failure to timely comply . . . will lead to the dismissal of the Complaint without prejudice and judgment will enter." (Id. at 3.) Plaintiff did not comply with the December 8, 2020 Order and on January 19, 2021, the Court entered an Electronic Order granting Plaintiff an additional fourteen days to remit the filing fee. (See Jan. 19, 2021 Elec. Order.) In the January 19, 2021 Electronic Order, the Court again warned Plaintiff

that a failure to pay the filing fee "will lead to the dismissal of the Complaint without prejudice and judgment will enter." (Id.) On January 20, 2021, Defendants mailed the Electronic Order to Plaintiff at his address of record. (Aff. Serv., ECF No. 8.)

More than fourteen days have elapsed since the January 19, 2021 Order and Plaintiff has not paid the filing fee nor has he otherwise communicated with the Court about this case. Accordingly, it appears that Plaintiff is no longer interested in pursuing this action and the Complaint is thus DISMISSED WITHOUT PREJUDICE for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of the Court to enter judgment accordingly, mark this case CLOSED, and mail a copy of this Order to the pro se Plaintiff at his last known address.

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, 444-45 (1962).

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: February 17, 2021
Central Islip, New York