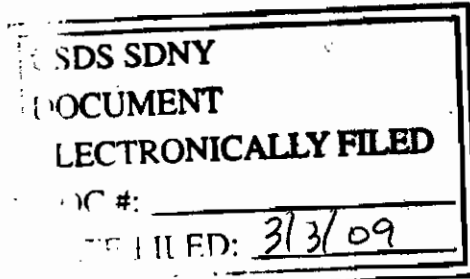


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



JOSE A. RODRIGUEZ,

Plaintiff,

-v-

UNITED OFF FELLOW/REBEKHA NURSING
HOME,

Defendant.

No. 08 Civ. 7789 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

Plaintiff commenced this action on September 5, 2008. (Doc. No. 1.) By Order dated February 6, 2009, the Court noted that Plaintiff had violated Rule 4(m) by failing to serve Defendant within 120 days of filing the Complaint, and directed him to show cause by February 25, 2009 why this action should not be dismissed for failure to prosecute. (Doc. No. 3.)

As of March 2, 2009, no proof of service upon Defendant has been filed, Plaintiff has not provided any explanation for his failure to do so, and he has not complied with the Court's February 6, 2009 Order. Accordingly, pursuant to Rule 41(b), this action is dismissed. The Clerk of the Court is respectfully directed to close this case.

SO ORDERED.

Dated: March 2, 2009
New York, New York

RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

A Copy of this Order was mailed to:

Jose A. Rodriguez
2676 Heath Avenue
Bronx, New York 10463