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DOCUMENT
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DATE FILED: July 17, 2013

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JIMMING LIANG,

Plaintiff,

v.

LUCKY PLAZA RESTAURANT,

Defendant.


12 Civ. 5077 (PAC) (GWG)
ORDER ADOPTING R&R

HONORABLE PAUL A. CROTTY, United States District Judge:

Plaintiff Jimming Liang initiated the instant action on June 28, 2012. The case was referred to Magistrate Judge Gabriel Gorenstein on December 5, 2012. As set out in Magistrate Judge Gorenstein’s Report and Recommendation of March 21, 2013, as well as in submissions to the Court by David Lira, Plaintiff’s former attorney,¹ Mr. Lira has made several unsuccessful attempts to contact Plaintiff since December, 2012. Plaintiff did not respond to any of several messages left by Mr. Lira and has ceased cooperating with Mr. Lira’s efforts to prosecute this matter. In a February 7, 2013 Order, Magistrate Judge Gorenstein ordered Plaintiff to contact the Court directly, noting that if he did not do so by March 7, 2013, his “case may be dismissed for failure to prosecute under Rule 41 of the Federal Rules of Civil Procedure.” (ECF No. 13 (emphasis in original).) Plaintiff failed to comply, and, accordingly, Magistrate Judge Gorenstein recommended that the case be dismissed. Plaintiff has not filed any objections to the R&R, nor has Plaintiff contacted the Court in the four months since the R&R was issued. Having reviewed the R&R for clear error, see Wilds v. UPS, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 1991), and finding none, it is hereby adopted in its entirety. Accordingly, the complaint is dismissed, without prejudice. The Clerk of Court is directed to enter judgment and close this case.

Dated: New York, New York
July 17, 2013

SO ORDERED



PAUL A. CROTTY
United States District Judge

¹ Magistrate Judge Gorenstein granted Lira’s motion to withdraw as Plaintiff’s attorney on March 21, 2013.