

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LANA AFERZON,

Petitioner,

v.

172 MADISON NP HOLDING, LLC, 172
MADISON NP MEMBER, LLC, AND LUIZA
DUBROVSKY,

Respondents.

**USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 8-10-20**

18-CV-2829 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Petitioner Lana Aferzon filed this petition to enforce judgment on April 3, 2018. Dkt. 4. On January 10, 2019, Petitioner's prior attorneys were relieved as counsel, and Petitioner was instructed to inform the Court of her next steps, including whether she intended to obtain or had obtained new counsel. *See* Dkts. 18, 19. Petitioner subsequently indicated that she was in the process of retaining new counsel. *See* Dkts. 23, 24. On May 21, 2020, the Court ordered Petitioner to submit a status update no later than June 22nd. *See* Dkt. 27. The Court advised Petitioner that if she failed to do so, the case may be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). *See id.* A copy of the Court's May 21st Order was mailed to Petitioner on May 28, 2020. Having not received any submission from Petitioner in response to the May 21st Order, on July 6, 2020, the Court ordered Petitioner to submit a status letter no later than July 24, 2020. *See* Dkt. 28. The Court again advised Petitioner that if she failed to do so, the Court would dismiss this action for failure to prosecute pursuant to Rule 41(b). A copy of the Court's July 6th Order was mailed to Petitioner that same day. As of today's date, however, Petitioner has not responded to the Court's May 21st or July 6th Orders, nor has she otherwise indicated that she intends to pursue this action.

Rule 41(b) of the Federal Rules of Civil Procedure provides that a district court may dismiss an action if "the plaintiff fails to prosecute or to comply with [the] rules or a court order." Fed. R. Civ. P.

41(b); *see also Baptiste v. Sommers*, 768 F.3d 212, 216 (2d Cir. 2014). Under Rule 41(b), a district court may dismiss an action *sua sponte* for failure to prosecute after notifying the plaintiff. *See LaSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001). Because the Court has not received any response from Petitioner, including any indication that she intends to pursue this case, the instant action is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

The Clerk of Court is respectfully directed to mail a copy of this Order to Petitioner and indicate proof of service on the docket.

SO ORDERED.

Dated: August 10, 2020
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written above a horizontal line.

RONNIE ABRAMS
United States District Judge