

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MIGUEL NAVARRETE, individually and on behalf of :
others similarly situated, :
: Plaintiff, : 20-CV-6775 (JMF)
: :
-v- : ORDER
CRYSTAL DELI INC., et al., :
: Defendants. :
: ----- X -----

JESSE M. FURMAN, United States District Judge:

Plaintiff filed this action on August 21, 2020. ECF No. 1. On November 20, 2020, the Court noted that Plaintiff had not yet filed proof of service of the summons and complaint within the 90 days prescribed by Rule 4(m) of the Federal Rules of Civil Procedure, and ordered him to show cause as to why such service was not made. ECF No. 18. On December 7, 2020, in response to a letter seeking an extension of the time in which to serve, the Court granted Plaintiff a *nunc pro tunc* extension of the deadline and ordered him to serve no later than January 21, 2021. ECF No. 20. On January 21, 2020, Plaintiff filed an amended complaint. ECF No. 21. The Court issued an Order noting that time for Plaintiff to amend his complaint as of right had lapsed and that he had not sought leave to amend his complaint; still, in light of Rule 15's instruction to allow amendments "freely . . . when justice so requires," Fed. R. Civ. P. 15(a)(2), the Court granted Plaintiff leave to file his amended *nunc pro tunc* and deemed the pleading filed at ECF No. 21 in this case. ECF No. 30.

Plaintiff filed two affidavits of service purporting to show that two individuals — Ming You s/h/a Ming Doe and Jason Liu — have been served, ECF Nos. 25 & 26, but Jason Liu is not a named defendant in Plaintiff's amended complaint. Further, given that the purported service was executed on January 20, 2021 — one day *before* Plaintiff's amended complaint was filed — it is not clear whether any Defendant has been served with a copy of the operative complaint in this case.

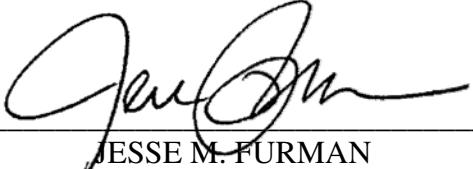
In light of the foregoing, Plaintiff is hereby ORDERED to file a letter no later than **February 18, 2021**, explaining the status of this case, including the status of service on the Defendants named in this case. Further, the initial pretrial conference currently scheduled for February 24, 2021, is hereby ADJOURNED *sine die*; Plaintiff, in his forthcoming status letter, should propose a time frame for when the conference should be rescheduled.

The Clerk of Court is directed to update the caption in this case so as to reflect the

parties' names as stated in ECF No. 21.

SO ORDERED.

Dated: February 16, 2021
New York, New York



JESSE M. FURMAN
United States District Judge