

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Craig Cunningham,

Plaintiff,

-v-

On Deck Capital, Inc., *et al.*,

Defendants.



20-cv-10621 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On May 17, 2021, Plaintiff Craig Cunningham filed an amended complaint. Dkt. No. 12. On May 28, 2021, Defendants moved to dismiss the amended complaint. Dkt. No. 15. The Court ordered Plaintiff to either respond to the motion to dismiss or file a letter indicating that no opposition would be filed by July 19, 2021. Dkt. No. 19. The Court advised Plaintiff that failure to comply with that order could result in the case being dismissed for failure to prosecute.

Plaintiff has not filed any papers, and Defendant has moved again for this Court to deem Defendants' motion to dismiss unopposed. Dkt. No. 20. The Plaintiff is ORDERED to file his opposition to the motion to dismiss or file a letter indicating that no opposition will be filed by **October 4, 2021**. If Plaintiff files an opposition, Defendants' reply if any, is due October 11, 2021. If Plaintiff files a letter indicating that no opposition will be filed, then the Court will deem the motion fully briefed and decide the motion in due course.

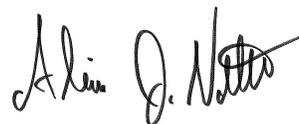
Plaintiff is advised a final time that failure to comply with this order may result in the case being dismissed for failure to prosecute. *See* Fed. R. Civ. P. 41(b); *Baptiste v. Sommers*, 768 F.3d 212, 216 (2d Cir. 2014) (Rule 41(b) of the Federal Rules of Civil Procedure authorizes the district court to dismiss an action "[i]f the plaintiff fails to prosecute or to comply with [the] rules

or a court order.”).

The Clerk of Court is respectfully ordered to mail a copy of this Order to the *pro se* Plaintiff and to note that mailing on the docket. This resolves Dkt. No. 20.

SO ORDERED.

Dated: September 7, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan". The signature is written in a cursive style with a large initial "A" and a long horizontal stroke at the end.

ALISON J. NATHAN
United States District Judge