

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SANDY GRACIANO, *on behalf of  
himself and all other persons similarly  
situated,*

Plaintiff,

-v-

BOTANIKA BEAUTY LLC,  
Defendant.

21-CV-6934 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Defendant was served on October 1, 2021. However, no appearance has been entered on Defendant's behalf, and no response to the complaint has been filed in the allotted time. Plaintiff has not moved for a default judgment.

Plaintiff is directed to notify the Court whether it intends to move for default judgment, or if it has received any communication from Defendant or its counsel regarding a response to the complaint.

If Plaintiff fails by December 3, 2021, to either (1) file a letter concerning the status of the case, or (2) move for default judgment against Defendant, the action may be dismissed for failure to prosecute.

Plaintiff is directed to serve a copy of this order by mail on Defendant.

SO ORDERED.

Dated: November 17, 2021  
New York, New York

  
J. PAUL OETKEN  
United States District Judge