

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT WEEKES, individually, and on behalf of all
others similarly situated,

Plaintiff,

-v-

DANGO PRODUCTS, LLC,

Defendant.

CIVIL ACTION NO.: 22 Civ. 288 (PAE) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge:

On January 11, 2022, Plaintiff commenced this action by filing the Complaint and requesting issuance of a Summons. (ECF Nos. 1, 3). On January 12, 2022, the Clerk of Court issued the Summons. (ECF No. 4). On March 24 and April 7, 2022, Plaintiff filed affidavits of service, indicating that Defendant was served with the Summons and Complaint on February 16, 2022 by personal service on Charlie Carroll, Defendant's agent for service. (ECF Nos. 6, 7).

On April 12, 2022, Defendant filed a motion to dismiss Plaintiff's Complaint in its entirety pursuant to Fed. R. Civ. P. 12(b)(5) for insufficient service of process and Fed. R. Civ. P. 4(m) for failure to effect service within 90 days of filing the Complaint. (ECF No. 8 (the "Motion")). Under Local Civil Rule 6.1, Plaintiff's opposition to the Motion was due by April 26, 2022. See Loc. Civ. R. 6.1(b). To date, however, Plaintiff has not opposed or otherwise responded to the Motion. Nonetheless, as a one-time courtesy, the Court sua sponte extends this deadline and directs Plaintiff to file a response to the Motion by **May 13, 2022**.

Plaintiff is warned that that failure to respond will result in the Court ruling on the Motion based on Defendant's submissions alone and may result in dismissal of this action.

Dated: New York, New York
May 9, 2022

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge