

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 04-2850

MEI YING LIU AND SHU FANG CHEN,
Appellants

v.

ORIENTAL BUFFET, d/b/a KING CHEF BUFFET; METROPOLITAN BUFFET CORPORATION, d/b/a METROPOLITAN BUFFET; AN NA ZHENG; XIAO YANG ZHENG; BEN LIANG ZHU; FRANK CHAN, a/k/a KAI TUNG CHEN, a/k/a KAI TONG CHEN, a/k/a KAI CHIANG CHAN, a/k/a KAI CHEUNG CHAN, a/k/a KAI CHEONG CHAN; and DE GI CHING, a/k/a THE QI CHING, a/k/a JIMMY CHING

On Appeal from the United States District Court
for the District of New Jersey
(Civil No. 03-2406)
District Judge: Honorable Katherine S. Hayden

Argued: May 26, 2005

Before: SCIRICA, Chief Judge, ALITO and GARTH, Circuit Judges

(Opinion Filed: June 14, 2005)

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Counsel for Appellee Metro Buffet Corp.

OPINION

Garth, Circuit Judge:

Mei Ying Liu and Shu Fang Chen (the “Plaintiffs”) appeal from the District Court’s *sua sponte* order dismissing their employment discrimination and unfair labor practices action for failure to effect timely service pursuant to Federal Rule of Civil Procedure 4(m). They contend that the District Court abused its discretion by failing to provide them with actual notice prior to dismissing the case. We agree and so will vacate the District Court’s order of dismissal and remand the case for further proceedings