

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CHARLES EAGLE BOY,	)	4:08CV3090
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
DAN DANAHER, PA, et al.,	)	
	)	
Defendants.	)	

This matter is before the court on its own motion. On August 19, 2008, the court conducted an initial review of the Complaint and permitted Plaintiff's claims to proceed to service. (Filing No. [8](#).) Plaintiff had 120 days, or until December 17, 2008, to complete service of process. (*Id.*) Plaintiff has never returned a completed summons form to the Clerk of the court for service on Defendants, and no Defendant has been served with summons. (*See* Docket Sheet.) On January 23, 2009, Plaintiff was given until February 23, 2009, to show cause why this case should not be dismissed due to Plaintiff's failure to serve Defendants. (Filing No. [9](#).) Plaintiff has not responded to the court's previous Memorandum and Order.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Complaint (filing no. [1](#)) is dismissed without prejudice for failure to prosecute diligently and for failure to comply with the court's orders.
2. Plaintiff remains responsible for the payment of the filing fee in accordance with the court's previous Memorandum and Orders.
3. A separate judgment will be entered in accordance with this Memorandum and Order.

March 23, 2009.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge