

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

EVELYN HUMBURG, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 SSA SECURITY, Inc., LAVERN )  
 THOMASON, ROGER BENSON, )  
 and BRENDA THOMPAS, )  
 )  
 Defendants. )

4:08CV3234

MEMORANDUM AND ORDER

The plaintiff filed a motion for default judgment against Roger Benson, (filing no. [36](#)), and then advised the court she planned to withdraw the motion because Mr. Benson was deceased. The plaintiff was then given until September 3, 2009 to show cause why her claims against Brenda Thompas should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m) or for want of prosecution, and why her claims against Roger Benson should not be dismissed. In response, the plaintiff filed a motion to dismiss Brenda Thompas and Roger Benson without prejudice. Filing No. [38](#). Accordingly,

IT IS ORDERED:

- 1) The plaintiff’s motion to dismiss, (filing no. [38](#)), is granted, and plaintiff’s claims against Brenda Thompas and Roger Benson are dismissed without prejudice.
- 2) The plaintiff’s motion for default judgment, (filing no. [36](#)), is denied as moot.

September 9, 2009.

BY THE COURT:  
*s/Richard G. Kopf*  
 United States District Judge