

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DANIEL D. NIEMEYER,)
)
 Plaintiff,)
)
 v.)
)
 STORE KRAFT)
 MANUFACTURING COMPANY,)
)
 Defendant.)
 _____)

4:09CV3201

**MEMORANDUM
AND ORDER**

On November 23, 2009, I ordered Plaintiff to file an amended complaint and evidence on or before December 7, 2009, establishing either (a) that Plaintiff has exhausted his administrative remedies pursuant to the terms of the ERISA-governed Store Kraft benefit plan at issue, or (b) that Plaintiff had a legally sufficient reason for failing to do so, in the absence of which this matter would be dismissed without prejudice. (Filing [13](#).)

Plaintiff has failed to comply with the court’s November 23, 2009, order. Therefore, this matter shall be dismissed without prejudice pursuant to the terms of that order.

IT IS ORDERED:

1. This matter is dismissed without prejudice pursuant to the terms of the court’s prior order (filing [13](#)).
2. Judgment shall be entered by separate document.

DATED this 15th day of December, 2009.

BY THE COURT:

Richard G. Kopf

United States District Judge