

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**PROGRESSIVE BUYERS & SELLERS, )  
LLC and JULIE CARPER, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
COLDWELL BANKER TOWN & )  
COUNTRY REALTY OF KEARNEY, )  
LLC, et al., )  
 )  
Defendants. )**

**CASE NO. 4:09CV3232**

**MEMORANDUM  
AND ORDER**

Before the Court is the Recommendation of Magistrate Judge F.A. Gossett (Filing No. 133) recommending that all claims asserted by Plaintiff Progressive Buyers & Sellers, LLC (“Progressive”) be dismissed without prejudice for failure to prosecute. Judge Gossett recommends the dismissal of the claims under Federal Rule of Civil Procedure 41(b) and NECivR 41.2 because Progressive is no longer represented by counsel. Judge Gossett allowed counsel to enter an appearance on or before August 16, 2010. However, no appearance of counsel has been entered on behalf of Progressive. No objections to the Recommendation have been filed. Under 28 U.S.C. § 636(b)(1), the Court has conducted a de novo review of the record and adopts Recommendation.

**IT IS ORDERED:**

1. The Magistrate Judge’s Recommendation (Filing No. 133) is adopted;
2. The claims of the Plaintiff Progressive Buyers & Sellers, LLC are dismissed without prejudice;

3. The Clerk is directed to mail a copy of this order to the Plaintiff, Julie Carper, at her last known address and to Plaintiff Progressive Buyers & Sellers, LLC at its last known address; and
4. The Clerk is directed to indicate on the docket that Progressive Buyers & Sellers, LLC is no longer a plaintiff in this case, and amend the caption accordingly.

DATED this 30<sup>th</sup> day of September, 2010.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge