

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|--------------------------------|---|------------|
| JOHN DOE, |) | |
| |) | |
| Plaintiff, |) | 4:09CV3258 |
| |) | |
| v. |) | |
| |) | MEMORANDUM |
| JON BRUNING, Attorney General, |) | AND ORDER |
| DAVID HEINEMAN, Governor, |) | |
| NEBRASKA STATE PATROL, |) | |
| LANCASTER COUNTY SHERIFF, and |) | |
| LINCOLN POLICE DEPT., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

This matter is before the court on the findings and recommendation filed by Magistrate Judge Zwart on June 8, 2010 (filing [54](#)). Judge Zwart recommends that the plaintiff’s complaint be dismissed for want of prosecution.

No objections have been filed to the findings and recommendation within the time permitted by [28 U.S.C. § 636\(b\)\(1\)](#). In any event, I have conducted a de novo review and find that Judge Zwart has correctly found the facts and applied the law.

Pursuant to [Federal Rule of Civil Procedure 41\(b\)](#), a dismissal for want of prosecution “operates as an adjudication on the merits” unless the court specifies otherwise. Considering that the plaintiff failed to comply with the court’s order of February 19, 2010 (filing [32](#)), failed to respond to the “show cause” order entered on May 20, 2010 (filing [53](#)), and failed to object to the magistrate judge’s findings and recommendation, I conclude that the action should be dismissed with prejudice.

Accordingly,

IT IS ORDERED that:

1. The magistrate judge’s findings and recommendation (filing [54](#)) are adopted.

2. The plaintiff's complaint is dismissed with prejudice for want of prosecution.
3. Final judgment will be entered by separate document.

DATED this 16th day of July, 2010.

BY THE COURT:

Richard G. Kopf
United States District Judge