

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN DOE,)
)
Plaintiff,)
v.)
STATE OF NEBRASKA, et al.,)
)
Defendant.)

4:10CV3004

**MEMORANDUM
AND ORDER**

This matter is before the court on the findings and recommendation filed by Magistrate Judge Zwart on October 14, 2010 (filing [47](#)). 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 September 23, 2010 (filing [46](#)), to either file a voluntary dismissal or show cause why the action should not be dismissed for want of prosecution, I conclude that the action should be dismissed with prejudice.

Accordingly,

IT IS ORDERED that:

1. The magistrate judge's findings and recommendation (filing [47](#)) are adopted.
2. The plaintiff's complaint is dismissed with prejudice for want of prosecution.
3. Final judgment will be entered by separate document.

November 3, 2010.

BY THE COURT:

Richard G. Kopf
United States District Judge