

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GREGORY GAMACHE,) 4:10CV3256
)
 Plaintiff,)
)
 v.) **MEMORANDUM
 AND ORDER**
)
 UNKNOWN DEFENDANT,)
)
 Defendant.)

This matter is before the court on its own motion. The above-captioned matter has been provisionally filed on December 21, 2010. (Filing No. 1.) However, due to certain technical defects, the Complaint cannot be further processed until such defects are corrected. To assure further consideration of the Complaint, Plaintiff must correct the defect listed below. **FAILURE TO CORRECT THE DEFECT WILL RESULT IN DISMISSAL OF THIS MATTER.**

Plaintiff has failed to name a defendant in this matter. As set forth in Federal Rule of Civil Procedure 10, “[t]he title of the complaint must name all the parties.” Fed. R. Civ. P. 10(a). Plaintiff shall have until **February 11, 2011**, to file an amended complaint naming any and all defendants. Failure to file an adequate amended complaint by that date will result in dismissal of this matter without prejudice and without further notice.

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to correct the above-listed technical defect in the Complaint on or before **February 11, 2011**.

2. Failure to comply with this Memorandum and Order will result in dismissal of this matter without further notice.

3. The Clerk of the court is directed to set a pro se case management deadline in this matter with the following text: February 11, 2011: deadline for amending Complaint to name all defendants.

4. Plaintiff's Motion for Subpoena for File and Device (filing no. [9](#)) is denied without prejudice to reassertion.

DATED this 12th day of January, 2011.

BY THE COURT:

Richard G. Kopf
United States District Judge

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