

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMES TOMKO,

Plaintiff,

vs.

AMERICAN TIRE DISTRIBUTORS,  
INC.,

Defendant.

4:11CV3144

MEMORANDUM AND ORDER

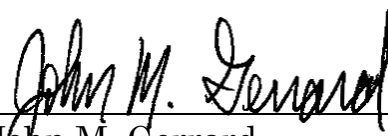
This matter is before the Court on the Magistrate Judge's Memorandum and Order of May 16, 2012 (filing [23](#)), recommending that this Court dismiss plaintiff James Tomko's complaint for want of prosecution. Neither party has filed an objection. *See*, [28 U.S.C. § 636\(b\)\(1\)](#); [NeCivR 72.2](#). When a party fails to timely object to the report and recommendation of a magistrate judge, the party waives its right to de novo review by the district court. [United States v. Wise, 588 F.3d 531, 537 n.5 \(8th Cir. 2009\)](#). The Court finds that the Magistrate Judge's recommendation should be adopted and this case dismissed. Accordingly,

IT IS ORDERED:

1. The Magistrate Judge's Memorandum and Order recommending dismissal for want of prosecution (filing [23](#)) is adopted;
2. This case is dismissed; and
3. A separate Judgment will be entered.

Dated this 11th day of June, 2012.

BY THE COURT:

  
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John M. Gerrard  
United States District Judge