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

UNITED STATES OF AMERICA,	
Plaintiff,	) 4:12CV3163
vs.	) ORDER
MICHELLE J. DEUTSCH,	)
JOSEPH F. CHILEN, Trustee,	)
BLUE VALLEY COMMUNITY	)
ACTION, INC., Beneficiary,	j
STATE OF NEBRASKA DEPARTMENT	)
OF HEALTH AND HUMAN SERVICES	)
CHILD SUPPORT ENFORCEMENT	)
DIVISION, JONATHAN R. PUNKO, and	)
NANCY MAHLOCH, Guardian Ad Litem,	)
	)
Defendants.	)

This matter is before the court *sua sponte*, and pursuant to <u>NECivR 41.2</u>, which states in pertinent part: "At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution." In this case the complaint was filed on August 3, 2012, with an amended complaint filed on August 29, 2012. **See** Filing Nos. 1 and 8. The plaintiff filed summonses returned executed by waiver of service mailed on August 3, 2012, for Blue Valley Community Action, Inc. and Joseph F. Chilen. **See** Filing Nos. 4 and 5. On September 4, 2012, the plaintiff filed notice of executing a summons on the defendant State of Nebraska Department of Health and Human Services Child Support Enforcement Division. **See** Filing No. 11. Such defendant filed a Disclaimer and Waiver of Appearance and Notice. **See** Filing No. 12. The plaintiff has also filed summonses returned executed by waiver of service mailed August 29, 2012, for Jonathan R. Punko, Nancy Mahloch, and Michelle J. Deutsch. **See** Filing Nos. 13, 14, and 17.

In any event, none of the defendants have entered an appearance or filed a timely answer and no other progress has taken place in this matter. It remains the plaintiff's duty to go forward in prosecuting the case by, for example, filing a motion for clerk's entry of default pursuant to Fed. R. Civ. P. 55 and NECivR 55.1(a), as appropriate. Upon consideration,

## IT IS ORDERED:

The plaintiff has until the close of business **on November 21, 2012**, to file a motion for clerk's entry of default or show cause why this case should not be dismissed for failure to prosecute.

Dated this 5th day of November, 2012.

BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge