

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN A. GADEKAN, for himself	)	4:12CV3208
and as Personal Representative of	)	
Lola Gadeken Estate, Arnold W.	)	
Gadeken Estate, Arnold W. Gadeken	)	
Residuary Trust,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
UNITED STATES DEPARTMENT	)	
OF AGRICULTURE, et al.,	)	
	)	
Defendants.	)	

This matter is before the court on its own motion. On December 3, 2012, the court issued a Memorandum and Order requiring Plaintiff to retain counsel by January 29, 2011. (Filing No. [5](#).) In doing so, the court warned Plaintiff that if he failed to retain counsel, this case will be dismissed without prejudice and without further notice for failure to state a claim upon which relief may be granted. (*Id.*)

On December 19, 2012, Plaintiff filed a Motion for Reconsideration, which the court denied. (Filing Nos. [6](#) and [7](#).) Thereafter, Plaintiff requested two extensions of time to retain counsel. (Filing Nos. [8](#) and [10](#).) The court granted both requests for extension of time to retain counsel, but warned Plaintiff that no further extensions of time would be granted. (*See* Filing Nos. 9 and 11.) Pursuant to the extensions, Plaintiff had until May 14, 2013, to retain counsel. (*Id.*)

The court's May 14, 2013, deadline has now passed and Plaintiff has not retained counsel. (*See* Docket Sheet.) Accordingly,

IT IS THEREFORE ORDERED that:

1. Plaintiff Complaint is dismissed without prejudice for failure to comply with this court's orders and for failure to state a claim upon which relief may be granted.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 24<sup>th</sup> day of May, 2013.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge

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