IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

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)	MEMORANDUM
)	AND ORDER
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This matter is before the court on the findings and recommendation filed on July 5, 2017, by Magistrate Judge Cheryl R. Zwart, who recommends "that the portion of Filing No. 6 which requests dismissal of Plaintiff H. Ilene Anderson['s] claims be granted for lack of capacity to sue and for want of prosecution without further notice" (Filing No. 17). Judge Zwart disposed of the remainder of Filing No. 6 on June 9, 2017, and indicated that the claims of Ms. Anderson, who is deceased, would be dismissed unless an attorney entered an appearance on behalf of her estate by June 30, 2017. (Filing No. 16). No such appearance has been entered.

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. Her findings and recommendation therefore will be adopted.

IT IS ORDERED:

1. The Magistrate Judge's findings and recommendation (Filing No. <u>17</u>) are adopted.

2. Defendant's motion to dismiss the claims of Plaintiff H. Ilene Anderson (Filing No. 6) is granted, and said claims are dismissed without prejudice.

DATED this 26th day of July, 2017.

BY THE COURT:

s/ *Richard G. Kopf*Senior United States District Judge