

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

INVICTUS RESIDENTIAL POOLER
TRUST 1A,

Plaintiff,

vs.

CYNTHIA J. ZIEMBA, DELROY E.
FISCHER, UNKNOWN TENANT #1, the
names being fictitious to account for
parties in possession; and UNKNOWN
TENANT #2, the names being fictitious
to account for parties in possession;

Defendants.

4:19CV3036

FINDINGS AND RECOMMENDATION

Based on the court's record, the complaint, filed on April 19, 2019, has not been served on Defendant Delroy E. Fischer, Defendant Unknown Tenant #1, or Defendant Unknown Tenant #2. These Defendants have not voluntarily appeared. The court entered an order requiring Plaintiff to show cause why the claims against these defendants should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m) or for want of prosecution, and warned that absent a timely response, the claims against these defendants may be dismissed without further notice. The deadline for responding to the show cause order was September 3, 2019. No response was filed.

Accordingly,

IT IS RECOMMENDED to the Honorable John M. Gerrard, United States District Judge, pursuant to 28 U.S.C. § 636(b), that the claims against Defendant Delroy E. Fischer, Defendant Unknown Tenant #1, and Defendant Unknown Tenant #2 be dismissed for failure of service and want of prosecution.

The parties are notified that failing to file an objection to this recommendation as provided in the local rules of this court may be held to be a waiver of any right to appeal the court's adoption of the recommendation.

Dated this 16th day of September, 2019.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge