Shelton v. World Trucking Express, Inc. et al Doc. 9

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES E. SHELTON,	)	
	)	
Plaintiff,	)	**7:10CV5002**
	)	
vs.	)	**ORDER**
	)	
WORLD TRUCKING EXPRESS, INC., LINK AMERICA CORPORATION and JAMSHID B. MIRZAMUKHAMEDOV,	)	
	)	
Defendants.	)	

This matter is before the court *sua sponte*, and pursuant to NECivR 41.2, 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 March 5, 2010. **See** Filing No. 1. The plaintiff filed a notice of executing a summons on the defendant Link America Corporation on March 8, 2010. **See** Filing No. 8. There is no evidence in the record the plaintiff has yet served the other two defendants. No other action has taken place in this matter. Link America Corporation's answer is now past due. It remains the plaintiff's duty to go forward in prosecuting the case by, for example, filing a motion for the clerk's entry of default pursuant to Fed. R. Civ. P. 55 and NECivR 55.1(a) against Link America Corporation. Upon consideration,

IT IS ORDERED:

The plaintiff has until the close of business **on May 26, 2010**, to file a motion for clerk's entry of default or show cause why his claims against Link America Corporation, should not be dismissed for failure to prosecute.

Dated this 12th day of May, 2010.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge

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