

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

IGNATIO FIGUEROA, )  
)  
Plaintiff, )  
)  
v. )  
)  
TYSON FRESH MEATS, Inc., )  
)  
Defendant. )

8:06CV748

**MEMORANDUM  
AND ORDER**

This matter is before the court on its own motion. On November 25, 2008, the court entered a Memorandum and Order requiring Plaintiff to “show cause why this action should not be dismissed for failure to prosecute this matter diligently.” (Filing No. [79](#) at CM/ECF p. 5.) The court warned Plaintiff that if he failed to “respond to the order to show cause, this action will be dismissed without prejudice and without further notice.” (*Id.* at CM/ECF p. 4.) Plaintiff has not responded to the court’s Memorandum and Order.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because Plaintiff failed to prosecute this matter diligently and failed to comply with this court’s orders.
2. A separate judgment will be entered in accordance with this Memorandum and Order.
3. Plaintiff is reminded that he has until January 29, 2009 to file a response to the pending Motion for Attorney Fees.

January 12, 2009.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge